

**THE REVISED SCHOOL CODE (EXCERPT)**  
**Act 451 of 1976**

ARTICLE 2

PART 8

RECLASSIFICATION OF SCHOOL DISTRICTS

**380.805-380.812 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Popular name:** Act 451

PART 9

CONSOLIDATION OF SCHOOL DISTRICTS

**380.851 Consolidation of school districts to form single school district.**

Sec. 851. Two or more school districts may consolidate to form a single school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

**380.852 Request to initiate consolidation proceedings; referral of question by intermediate superintendent; approval, denial, or other action by state board.**

Sec. 852. (1) If the intermediate superintendent is requested in writing by not less than 10 school electors of each of 2 or more school districts to initiate proceedings for consolidation of the districts, the intermediate superintendent shall refer the question of consolidating the districts to the state board for its approval. A resolution of the board requesting this action by the intermediate superintendent shall have the same effect as a written request by the school electors of a district.

(2) The state board may approve or deny the proposal to initiate proceedings to effectuate the proposed consolidation, or the state board may require that 1 or more of the school districts be excluded from the proposed consolidation. The action of the state board in the matter shall be final.

(3) If the school districts proposed to be consolidated are located in more than 1 intermediate school district, the request to initiate consolidation proceedings shall be filed with the intermediate superintendent of the intermediate school district containing the largest portion of the assessed valuation of the proposed consolidated school district. The intermediate superintendent shall refer the question to the state board. Upon approval of the state board the intermediate superintendent shall perform the duties of an intermediate superintendent in connection with the consolidation.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.853 Petitions; preparation; form; contents; signature; circulation; return of petitions to school district filing official; expiration date.**

Sec. 853. (1) Within 30 days after the receipt of the approval of the state board to the consolidation, the intermediate superintendent shall notify the school district filing official, who shall have petitions prepared for circulation within the designated school districts. The petitions shall be printed or duplicated.

(2) A petition under this section shall be substantially in the form prescribed for other petitions under this act and is subject to section 14.

(3) Upon the request of a school elector of the district proposed to be consolidated, the school district filing official shall provide a petition for consolidation to the school elector. A petition shall be circulated only by a school elector of the district. The statement appearing below the signatures of petitioners shall be dated and signed on each page before filing the petition with the school district filing official.

(4) A school elector circulating a petition under this section shall return the petition to the school district filing official before the expiration date stated on the petition that is the sixtieth day after the school district filing official certifies the number of registered general electors residing in each of the affected school districts. The expiration date shall be not later than 180 days after the date of approval by the state board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 1998, Act 406, Eff. Mar. 23, 1999;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

**380.854 Certification of number of registered general electors; basis for determining required number of signatures; registration after date of certification; effect of additional**

**registrations; eligibility to sign petition.**

Sec. 854. (1) Immediately upon receipt of the approval of the state board to the consolidation, the intermediate superintendent shall request the school district filing official to certify the number of registered general electors residing in each of the affected school districts. The number of registered general electors certified is the basis for determining the required number of signatures for calling an election on the question of consolidation.

(2) The signature of a person registering after the date of certification by the school district filing official is a valid signature if the person is registered at the time of signing the petition. Additional registrations do not affect the number of registered general electors originally certified. Only a registered school elector is eligible to sign a petition and to vote on the question of consolidation.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

**380.855 Canvass of petitions; purpose; determining validity of signatures.**

Sec. 855. The school district filing official shall canvass the petitions to determine the number of school electors who have signed them. For the purpose of determining the validity of doubtful signatures, the school district filing official may have the signatures checked against the registration records by the clerk of a political subdivision in which petitions were circulated or may use other methods to determine the validity of doubtful signatures.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

**380.856 Submitting question of consolidation to school electors at next regular school election or special election; petitions not required in certain school districts.**

Sec. 856. (1) If the school district filing official is presented with petitions signed by school electors in each school district in a number at least equal to 5% of the number of school electors residing in each school district, the school district filing official shall submit the question of consolidation to be submitted to the vote of the school electors of the school districts at the next regular school election or a special election.

(2) Petitions are not required in a school district operating 12 grades if a resolution adopted by the board of the school district requesting consolidation of school districts has been filed with the intermediate superintendent.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

**380.857 Submitting question of establishing consolidated school district to school electors at regular school election or special election; voting as unit; day and hours of elections.**

Sec. 857. (1) The question of establishing a consolidated school district shall be submitted to the school electors at a regular school election or at a special election held for that purpose. In voting to form the consolidated school district, a school district operating 12 grades shall vote separately as a unit. The remaining school districts to be included in the consolidation shall vote together as a unit.

(2) The elections shall be held on the same day and during the same hours.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

**380.858 Election notices.**

Sec. 858. The school district filing official shall give written notice to the secretary of the board of each affected school district of the date of the consolidation election at least 60 days before the election.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

**380.859 Form of ballot question; affirmative vote of majority required; effective date of consolidation; reimbursements; expenses.**

Sec. 859. (1) The ballot question shall be in substantially the following form:

"Shall the territory of the following school districts be united to form 1 school district?

(Names of school districts to be consolidated listed here)

Yes ( )

No ( )".

(2) The affirmative vote of a majority of the school electors voting on the question in each of the election units is necessary to effect the consolidation of the school districts. The consolidation takes effect July 1 after the election.

(3) If the consolidation becomes effective, expenses incurred for the election in each election unit shall be certified to the board of the consolidated school district. The school board of the consolidated school district shall pay election reimbursements from the funds of the consolidated school district. If the proposition to consolidate is not approved, the intermediate school board shall determine the expenses of the election held in the election unit operating less than 12 grades and apportion the required reimbursements equally among the school districts of the election unit. Each school board of the election unit shall pay the apportionment to the local unit of government that conducted the election.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 509, Imd. Eff. July 23, 2002;—Am. 2003, Act 299, Eff. Jan. 1, 2005;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

**Popular name:** Act 451

### **380.860 Submitting questions of assuming bonded indebtedness or increasing constitutional limitation on taxes; form; payment of bonded indebtedness; applicability of MCL 380.864.**

Sec. 860. (1) If the petitions filed with a school district filing official under section 853 request submission of the question of assuming the bonded indebtedness of 1 or more of the school districts proposing consolidation, or the question of increasing the constitutional limitation on taxes of the consolidated school district for operating purposes to the school electors at the consolidation election, the school district filing official shall include the question or questions in the notice of the election ballot questions filed with each of the election units.

(2) A request for including assumption by the consolidated school district of the bonded indebtedness of 1 or more of the districts proposing consolidation shall be stated on the petition after the names of the school districts to be consolidated in substantially the following form:

"We petition that the question of assumption and payment by the proposed consolidated school district of the bonded indebtedness of \_\_\_\_\_ be  
(name of school district or districts)  
submitted to the electors at the same election in which the proposed consolidation is submitted", and if applicable,

"We petition that the question of increasing the constitutional limitation on taxes which may be assessed against all property in the proposed consolidated school district by \_\_\_\_\_ mills for a period of \_\_\_\_\_ years, \_\_\_\_ to \_\_\_\_, inclusive, for operating purposes, be submitted to the electors at the same election with the question of consolidating the above listed districts".

(3) If the school electors approve the consolidation of school districts and the assumption of the bonded indebtedness of an original district, the consolidated school district shall assume the obligation of the bonded indebtedness. The consolidated school district shall pay the bonded indebtedness by spreading debt retirement taxes uniformly over the territory of the consolidated district. Section 864 applies to the debt retirement tax levies, the continuing obligations of the original school districts, and the rights and remedies of a bondholder.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

### **380.861 Appointment of board; filing acceptance of office and affidavit of eligibility; election and terms of board members.**

Sec. 861. Within 10 days after the date of the official canvass of the consolidation election, the intermediate school board of the intermediate school district containing the territory of the consolidated school district shall appoint school electors of the school district in the number required by section 11a to act as a board for the school district. This board shall continue to operate the affected school districts as separate school districts until the effective date of the consolidation. If a consolidated school district includes territory in more than 1 intermediate school district, the appointment shall be made by the intermediate school board of each intermediate school district acting jointly as a single board. Within 7 days after appointment, each member shall file with the intermediate superintendent an acceptance of the office, accompanied by a written affidavit setting forth the fact of eligibility for office. Each appointed board member shall hold office until January 1, or, if the consolidated school district's regular election is in May, until July 1, next following appointment. A new board shall be elected at the first regular school election held after the effective date of consolidation in the manner prescribed by law for the election of a first board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

**Popular name:** Act 451

### **380.862 Accounting for records, funds, and property; release from liability; termination of offices.**

Sec. 862. Within 20 days after the effective date of a consolidation the board of each of the original school districts shall account to the board of the consolidated school district for all records, funds, and property belonging to the original school district and shall turn over the same to the board of the consolidated school district. Upon receipt of records, funds, and property by the board of the consolidated school district, the officers of the original school districts shall be released from liability therefor and their offices terminated.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.862a Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to mergers of joint high school districts into consolidated school districts.

**Popular name:** Act 451

### **380.863 Bonded indebtedness or outstanding tax anticipation notes of original school district; territory of original school district as assessing unit; board of trustees; officers; certification and levy of taxes; commingling; uniform spread of taxes.**

Sec. 863. (1) If a school district becoming part of a consolidated school district has bonded indebtedness, or has outstanding tax anticipation notes at the time of consolidation, the identity of the district shall not be lost by virtue of the consolidation. Territory of the original school district shall remain as an assessing unit for purposes of bonded indebtedness and tax anticipation notes until the indebtedness is retired or the outstanding bonds are refunded by the consolidated school district. The board of the consolidated school district shall constitute the board of trustees for the original school district having bonded indebtedness or tax anticipation notes. The officers of the consolidated school district shall be the officers for the original school district for this purpose.

(2) The board of the consolidated school district shall certify and order the levy of taxes for the bonded indebtedness and tax anticipation notes in the name of the original school district and shall not commingle the debt retirement funds of the original school district with funds of the consolidated school district. The board of the consolidated school district shall do all things relative to the bonded indebtedness and tax anticipation notes required by law and by the terms under which the issue and sale of the bonds and tax anticipation notes were originally authorized.

(3) Other taxes of any nature for purposes of the consolidated school district shall be spread uniformly over the entire area of the consolidated school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.864 Assumption of bonded indebtedness of consolidated school district; payment; liability; certification and levy of taxes; election.**

Sec. 864. (1) Beginning 3 years after the consolidation election, a consolidated school district may assume and pay the obligation of the bonded indebtedness of an original school district which joined the consolidation from the proceeds of a debt retirement tax levy spread uniformly over the territory of the consolidated school district if the school electors of the district approve the assumption of the bonded indebtedness. Assumption of bonded indebtedness of an original school district shall not release the territory of the original school district from the final responsibility of paying the obligation to bondholders.

(2) If the bonded indebtedness of an original school district is assumed, the board of the consolidated school district shall certify and order the levy of taxes for the bonded indebtedness equivalent in terms of money to those required by the terms under which the indebtedness was originally incurred, and shall carry out provisions of the original bond contract. Following the effective date of consolidation a question of assuming bonded indebtedness of an original school district may be presented at an election to issue new bonds of the consolidated school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.871 Expired. 1976, Act 451, Eff. Jan. 1, 1978.**

**Compiler's note:** The expired section pertained to disbandment of consolidated school district.

**Popular name:** Act 451

## PART 10 ANNEXATION

### **380.901 Annexation of school district; resolution; approval; ballot vote; election; filing certified statement of vote; funds, property, and outstanding indebtedness; liability; effective date of annexation; annexation by concurrent proceedings; annexation by separate proceedings.**

Sec. 901. (1) A school district shall be annexed to another school district if the board of the annexing school district adopts a resolution approving the annexation and a majority of the school electors of the district to be annexed approve the annexation. The resolution may specify an effective date for the annexation. The vote on the question shall be by ballot. Before the election is held, the board of the annexing school district shall obtain the approval of the state board of the proposed annexation. The election shall be held within 120 days after passage of the resolution by the board of the annexing school district.

(2) Within 10 days after the election the secretary of the board of the school district in which the election was held shall file a certified statement of the vote for annexation with the secretary of the board of the annexing school district.

(3) Within 15 days after the effective date of the annexation, the officers of the board of the annexed school district shall account to the board of the annexing school district for funds and property of the district. Property and money belonging to the annexed school district shall be the property of the annexing school district. Outstanding indebtedness of the annexed school district shall become the liability of the annexing school district. Upon receipt of the funds and property by the board of the annexing school district, the officers of the annexed school district shall be released from liability for the funds and property and their offices terminated.

(4) The annexation is effective on the date of the annexation election or the date specified in the board resolution as the effective date of the annexation, whichever is later, except that if an election is required in the annexing school district under section 904, the annexation is effective on the date of the official canvass in the annexing school district or the date specified in the board resolution as the effective date of the annexation, whichever is later.

(5) Except as provided in this section, the annexation of 2 or more school districts may be by concurrent proceedings. Elections in the annexed school districts may be held on the same or different days.

(6) If the annexing school district and 1 or more of the school districts to be annexed have bonded indebtedness that is to be mutually assumed at the time of annexation under section 907, the annexation of each district having bonded debt shall be by separate proceedings that shall not be concurrent with the proceedings for annexation of another school district.

(7) If a school district to be annexed has bonded debt that is to be assumed by an annexing school district, annexation of the district shall be by separate proceedings that shall not be concurrent with proceedings by which another school district is annexed.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 140, Imd. Eff. July 15, 1992.

**Popular name:** Act 451

### **380.902 Notice of annexation.**

Sec. 902. Within 15 days after the effective date of an annexation the secretary of the board of the annexing school district shall give written notice of the annexation to the intermediate superintendent of each of the intermediate school districts in which the territory of the combined school district is situated and to the state board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

\*\*\*\*\* 380.902a *THIS SECTION DOES NOT APPLY AFTER JUNE 30, 1988: See (5) of 380.902a* \*\*\*\*\*

### **380.902a Merger of teachers for purpose of making layoff and recall determinations; standards and procedures; applicability of subsection (1); altering provisions of subsection (1); applicability of section.**

Sec. 902a. (1) Upon the annexation of 1 school district by another, the teachers of the annexed and annexing school districts shall be merged for the purpose of making determinations in the layoff and recall of



those teachers. The teachers of the annexed school district shall be merged with the teachers of the annexing school district as if those teachers had been employed in the annexing school district for the length of time equal to their accumulated seniority with the annexed school district at the date of the annexation, according to the applicable standards in the annexed school district for acquired seniority. Layoff and recall determinations shall then be made according to the standards and procedures in effect in the annexing school district. A teacher on layoff in the annexed or the annexing district on the date of the annexation shall not displace any teacher who is actively employed with either school district at the time of the annexation. Teachers on layoff in the annexed and annexing school district at the time of the annexation shall be merged with each other in the same manner as those actively employed and shall be considered for assignment for the next available vacancy for which they are certified, if applicable, and qualified. This subsection shall not apply to teachers of annexed and annexing school districts in which the annexation takes place after June 30, 1986.

(2) The provisions of subsection (1) may be altered by a future collective bargaining agreement after the annexation has been complete for 2 years.

(3) This section shall not apply to any school district in which annexation has been complete for 3 years.

(4) This section shall only apply to school districts located in a county with a population of more than 2,000,000.

(5) This section shall not apply after June 30, 1988.

**History:** Add. 1982, Act 284, Imd. Eff. Oct. 7, 1982;—Am. 1985, Act 11, Imd. Eff. Apr. 24, 1985.

**Popular name:** Act 451

### **380.903 Bonded indebtedness of annexed school district at time of annexation; territory of annexed district as separate assessing unit; board of trustees; officers.**

Sec. 903. (1) If a school district which is annexed to another school district has bonded indebtedness at the time of annexation, the identity of the district shall not be lost by virtue of annexation. Its territory shall remain as a separate assessing unit for purposes of bonded indebtedness until the indebtedness has been retired or the outstanding bonds refunded by the annexing school district. The board of the annexing school district shall constitute the board of trustees for the annexed school district having bonded indebtedness. The officers of the annexing school district are the officers for the annexed district.

(2) The board of the annexing school district shall certify and order the levy of taxes for bonded indebtedness in the name of the annexed school district, shall not commingle the debt retirement funds of the annexed school district with those of the annexing school district, and shall do all things relative to the indebtedness required by law and by the terms under which the issuance and sale of the bonds were originally authorized.

(3) Other taxes of any nature levied for purposes of the combined school district shall be spread uniformly over the entire area of the combined school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.904 Assumption of bonded indebtedness; resolution; approval; payment; final responsibility; uniform tax spread.**

Sec. 904. (1) If a school district which has bonded indebtedness proposes to annex to a school district which has no outstanding bonded indebtedness, the resolution of the board of the annexing school district prescribed by section 901 may provide that the annexation shall not become effective unless the school electors of the annexing school district approve the assumption of the indebtedness.

(2) If the assumption of bonded indebtedness is approved by the school electors, the annexing school district shall assume the obligation of the bonded indebtedness of the annexed school district and pay the same by levying debt retirement taxes uniformly over the territory of the combined school district. The assumption of bonded indebtedness of an annexed school district shall not release the territory of the annexed school district from the final responsibility of paying the bonded debt.

(3) If an annexing school district has bonded indebtedness at the time of the annexation of another school district, the territory of the annexing school district shall remain as a separate assessing unit for purposes of the bonded indebtedness until the indebtedness is retired or the outstanding bonds are refunded by the combined school district.

(4) Other taxes of any nature for purposes of the combined school district shall be spread uniformly over the entire area of the district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

**380.905 Assumption of bonded indebtedness; resolution; approval; uniform levy of debt retirement taxes; final responsibility.**

Sec. 905. (1) If a school district which has bonded indebtedness proposes to annex a school district which has no bonded indebtedness, the resolution of the board of the annexing school district prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the district to be annexed approve the assumption of the bonded indebtedness at the same election at which the school electors of the district to be annexed approve the annexation.

(2) If the assumption of bonded indebtedness and annexation are approved by the school electors, the annexing school district shall levy debt retirement taxes uniformly over the territory of the combined school district. The assumption of the bonded indebtedness by the district shall not release the original territory from the final responsibility of paying the bonded obligation.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.906 Bonded indebtedness of both annexing and annexed school districts; identity of annexed school district; territory as separate assessing unit; board of trustees; officers; certification and levy of taxes; commingling; uniform spread of taxes.**

Sec. 906. (1) If a school district which has bonded indebtedness is annexed to another school district which has bonded indebtedness, the identity of the annexed school district shall not be lost by virtue of the annexation. The territory of each district shall remain as a separate assessing unit for the purposes of bonded indebtedness until the indebtedness of each is refunded or retired. The board of the annexing school district is the board of trustees for the annexed school district having bonded indebtedness. The officers of the annexing school district are the officers for the annexed school district.

(2) The board of the annexing school district shall certify and order the levy of taxes for the bonded indebtedness in the name of the annexed school district and shall not commingle the debt retirement funds of the annexed school district with those of the annexing school district and shall do all things relative to the bonded indebtedness required by law and by the terms under which the issuance and sale of the bonds were originally authorized.

(3) Other taxes of whatever nature levied for the purposes of the combined school district shall be spread uniformly over the entire area of the combined school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.907 Annexation of school districts both having bonded indebtedness; resolution; approval; assumption and payment of bonded indebtedness; final responsibility.**

Sec. 907. (1) If a school district which has bonded indebtedness proposes to annex a school district which has bonded indebtedness, the resolution of the annexing board prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the annexing school district approve the assumption of the bonded indebtedness of the school district to be annexed and the school electors of the school district to be annexed at the same election approve the assumption of the bonded indebtedness of the annexing school district and approve the annexation.

(2) If the annexation is effective, the combined school district shall assume the obligation of the bonded indebtedness of both the annexing and annexed school districts and shall pay the same by levying debt retirement tax levies uniformly over the territory of the district. The assumption of the bonded indebtedness by the annexing school district shall not operate to release the territory of the annexing school district or of the annexed school district from the final responsibility of paying the bonded obligation.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.908 Annexation of school districts both having bonded indebtedness; resolution; approval.**

Sec. 908. If a school district which has bonded indebtedness proposes to annex a school district which has bonded indebtedness, the resolution of the annexing board prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the district to be annexed approve both the assumption of the bonded indebtedness of the annexing school district and annexation at the same election.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

**380.911 Assumption and payment of bonded indebtedness by combined school district; final responsibility; election to issue new bonds; refunding bonds; vote by school electors.**

Sec. 911. (1) Beginning 3 years after the effective date of an annexation in which 1 or more of the school districts forming the combined school district have outstanding bonded indebtedness, the combined school district may assume the obligation of the bonded indebtedness and pay the same by levying debt retirement tax levies uniformly over the territory of the combined school district if the school electors of the combined school district approve the assumption of the bonded indebtedness. The assumption of the indebtedness shall not release the territory of the district originally incurring the bonded indebtedness from the final responsibility of paying the bonded obligation.

(2) After the effective date of annexation, the election may be held when a proposal to issue new bonds of the combined school district is submitted to the school electors. The assumption of indebtedness, if approved, shall become effective immediately.

(3) At an election to issue new bonds of the combined school district, outstanding bond issues of 1 or more of the original school districts may be refunded as a part of the new bond issue. It shall not be necessary to present the question of assumption of the indebtedness as a separate proposition.

(4) If a school district is attached to another school district under section 921, the vote by the school electors of the combined school district may be held at any time after the effective date of annexation.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.912 Annexation of school district; increase in tax limitation.**

Sec. 912. If a school district which has voted to increase the constitutional limitation on taxes for either building and site or general fund purposes and the term of years for which the millage was voted has not expired proposes to annex a school district, the resolution of the annexing board prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the district to be annexed approve an increase in the constitutional limitation on taxes for the same amounts, for the same purposes, and for the same years as are in effect in the annexing school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.921 Constituent districts not operating schools; list; compliance; duties.**

Sec. 921. Annually on June 1 each intermediate superintendent shall compile a list of constituent districts which did not operate school within the district during the preceding 2 or more years. Not later than June 10 the intermediate superintendent shall direct in writing the board of each constituent district to comply with this section and section 922. Before the expiration of 1 year following this official notification the constituent district shall either:

- (a) Attach itself either totally or in part to 1 or more operating school districts.
- (b) Reopen and operate its own school.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.922 Noncompliance with MCL 380.921; total or partial annexation or attachment; procedures; appeal; hearing; order; taxes; forfeiture of financial benefits.**

Sec. 922. (1) If a constituent district fails to comply with either of the requirements of section 921, the intermediate school board, upon the approval of the state board, shall annex or attach the district either totally or in part to 1 or more operating school districts pursuant to the following procedures:

(a) Not later than 30 days after the expiration of the 1-year period described in section 921, the intermediate school board shall hold a hearing to determine facts and shall make recommendations regarding the attachment of the constituent district, or parts of the constituent district, to 1 or more operating school districts. At least 5 days before the hearing, notice of the hearing shall be given to the secretary of the board of each school district whose boundaries are affected by the proposed attachment of territory of the closed school district.

(b) Not later than 30 days after the hearing described in subdivision (a), the intermediate school board shall issue a written order regarding the attachment of the closed school district either totally or in part to 1 or more operating school districts. The order shall indicate the date on which the annexation or property attachment is to take place. The intermediate school board shall transmit a copy of the order to the secretary of the board of



each school district whose boundaries are changed by the order. The order has full effect in law on all affected school districts unless an appeal is taken under this section.

(c) Not later than 20 days after receipt of the order described in subdivision (b), a school district affected by the order shall comply with the order made by the intermediate school district or appeal to the state board for a review of the order.

(2) Not later than 90 days after the receipt of an appeal from 1 or more of the affected school districts, the state board shall confirm the order made under subsection (1) or hold a hearing on the basis of the appeal. Not later than 60 days after the hearing, the state board shall ratify or amend the order of the intermediate school board. An order issued by the state board under this subsection shall have full effect in law.

(3) As of the date of attachment, territory attached to an operating school district is a part of that district for all purposes, including the levy of all taxes, except taxes levied for the retirement of outstanding bonded indebtedness. For territory attached to an operating school district after January 1, 1990, the territory is subject to the levy of taxes levied for the retirement of outstanding bonded indebtedness and all other taxes levied by the operating school district.

(4) In addition to any applicable penalty under article 4, a school district that fails to comply with an order of the intermediate school board or the state board under this section shall forfeit all financial benefits to which the district might be entitled under legislative appropriations for school aid purposes.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1990, Act 113, Imd. Eff. June 21, 1990.

**Popular name:** Act 451

### **380.931 Division of district; resolution; petition; election; certifying number of registered school electors; effective date of division; description of division.**

Sec. 931. (1) An intermediate school board may divide a constituent district that has no bonded indebtedness and attach the parts thereof to 2 or more operating school districts if requested to do so by resolution of the board of the school district to be divided, or if petitioned by not less than 5% of the registered school electors residing in the district on the date the petition is received, and if the school electors of the school district, voting on the question at a regular or special school election, approve the division.

(2) The school district filing official shall certify the number of registered school electors residing in a school district as needed for voting on the ballot question.

(3) The resolution of the board of the school district to be divided or the petition of the registered school electors residing in the district may specify the effective date of the division of the school district, which date shall not be later than the end of the fiscal year in which the election takes place.

(4) The resolution of the intermediate school board to which the school district to be divided is constituent shall clearly describe the division. The description of the division shall be based on the resolution of the board of the school district to be divided or on the petition of the school electors.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

### **380.932 Division of district; election; submission of question; ballot; approval; ratification; territory; taxes; certified statement of vote; declaration of division; attachment to operating district; distribution of money and property; effective date.**

Sec. 932. (1) The board of the school district to be divided shall call an election at which the question of the division of the school district shall be submitted to the school electors. Vote on the ballot question shall be by ballot in the form determined by the school district filing official and shall clearly describe the division. Before an election is held, the superintendent of public instruction shall approve the proposed division and the attachment of the parts to existing operating school districts. The election in the school district to be divided shall be held not later than the next available day for a regular school election or special school election following the date of approval by the superintendent of public instruction.

(2) The affirmative vote of a majority of the school electors voting on the question is necessary to ratify the action of the intermediate school board.

(3) Territory attached to an existing operating school district shall be a part of that school district for all purposes, including the levy of all taxes the school district to which the territory is attached is authorized to levy.

(4) Within 5 days after the election, the school district filing official shall file a certified statement of the vote for division with the intermediate superintendent.

(5) Within 30 days after the filing of the certified statement of the vote approving the division, the intermediate school board, by resolution, shall declare the school district divided, attach the territory to the specified operating school districts, and make an equitable distribution of the money, property, and other

material belonging to the school district among the school districts to which the territory is attached.

(6) If the effective date is determined by the resolution of the board or by the petition of the school electors under section 931, the intermediate school board shall declare the school district divided on that date.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

### **380.933 Notice of boundary change; map.**

Sec. 933. The intermediate superintendent shall notify the secretaries of the school districts whose boundaries are changed, the affected township supervisors or city assessors, and the state board of the division of the school district. The notification shall contain a map clearly indicating in detail the boundaries of the affected school districts before the alteration in boundaries and the boundaries of the affected school districts as altered by the division of the school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

## **PART 10A**

### **ANNEXATION AND TRANSFER**

### **380.941 Division of school district by annexation and transfer; resolution; approval; election; ballot; majority required.**

Sec. 941. A school district shall be divided by annexation of a part of its area consisting of not less than 50% of its assessed value to another school district and the transfer of the remaining area of the school district to 1 or more school districts contiguous to the dividing school district if the boards of the school district to be divided, the annexing school district, and the school district or districts to which territory will be transferred each adopt a resolution approving the annexation and transfer and, except as provided in this section, a majority of the school electors of the school district to be divided approve the annexation and transfer at a regular or special election to be called by the board of the dividing school district. The vote on the question shall be by ballot. Before the election is held, the boards of the school district to be divided and the annexing school district shall obtain the approval of the state superintendent of public instruction pursuant to section 944. The election shall be held not more than 180 days after the last date of passage of a resolution by the board of either the dividing school district or the annexing school district. Effective January 1, 1986, a school district shall not be divided by annexation and transfer unless a majority of the school electors of each school district which receives 25% or more of the state equalized value of the school district being annexed and transferred approve the annexation and transfer at a regular or special election to be called by the board of the appropriate school district.

**History:** Add. 1984, Act 154, Imd. Eff. June 25, 1984.

**Popular name:** Act 451

### **380.942 Resolution; minimum specifications.**

Sec. 942. The resolution adopted by the boards of the school district being divided and the annexing school district pursuant to section 941 shall specify at a minimum all of the following:

- (a) The effective date of the division, annexation, and transfer.
- (b) The territory that is to be annexed to the annexing school district.
- (c) The territory or territories that are to be transferred and the school districts to which they are to be transferred.
- (d) A finding that the division, annexation, and transfer are in the best interests of the education of the pupils within the affected school districts.
- (e) The manner in which the annexing and dividing school districts propose to assign employees of the dividing school district to bargaining units pursuant to section 948.

**History:** Add. 1984, Act 154, Imd. Eff. June 25, 1984.

**Popular name:** Act 451

### **380.943 Filing resolution; hearing; notice; designation of representative.**

Sec. 943. Upon adoption, a copy of the resolutions adopted by the annexing and the dividing school districts pursuant to section 941 promptly shall be filed with the superintendent of public instruction. Upon receipt of the resolutions, the superintendent of public instruction shall schedule and hold or cause to be held a hearing concerning the division of the school district by annexation and transfer. The hearing shall be held within 30 days after receipt by the superintendent of public instruction of the resolutions from the boards of

the annexing and dividing school districts. The superintendent of public instruction shall give 10 days' notice of the time and place of the hearing and of the proposed division and alterations in school district boundaries to be considered by posting notice in at least 5 public places in each of the school districts whose territory will be affected, by publication at least once before the meeting in a newspaper of general circulation in the territory of the affected school districts, and by mailing a copy of the notice to the secretary of the board of each school district whose territory will be affected. The board of each school district whose territory will be affected by the proposed division and transfer shall designate a representative to attend the hearing.

**History:** Add. 1984, Act 154, Imd. Eff. June 25, 1984.

**Popular name:** Act 451

### **380.944 Written order approving or disapproving division; transmittal.**

Sec. 944. If, within 30 days after the hearing, the superintendent of public instruction determines that the division would be in the best interest of the education of the pupils in the school districts affected by the division, including but not limited to consideration of such matters as class size, certified and noncertified staff, physical plants, transportation, curriculum, administration, labor relations, racial makeup, and cost effectiveness, he or she shall issue a written order approving the division of the school district. If the superintendent of public instruction determines that the division would not be in the best interest of the education of the pupils in the school districts affected by the division, he or she shall issue a written order disapproving the division. A copy of the order shall be transmitted to the secretary of the board of education of each school district whose boundaries are to be affected by the division.

**History:** Add. 1984, Act 154, Imd. Eff. June 25, 1984.

**Popular name:** Act 451

### **380.945 Election; resolution; conduct; canvass; question.**

Sec. 945. Upon receipt of an order transmitted as prescribed by section 944 and approving the division of the school district, the board of the school district to be annexed, divided, and transferred shall provide by resolution for the election on the question of annexing, dividing, and transferring the school district. The election shall be conducted and canvassed in the dividing district as provided in the Michigan election law. The question to be submitted to the electors shall be whether the territory of the dividing school district shall be annexed and transferred in the manner specified in the resolution of the dividing school district.

**History:** Add. 1984, Act 154, Imd. Eff. June 25, 1984;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

### **380.946 Filing certified statement of vote.**

Sec. 946. Within 10 days after the election required by section 945, the secretary of the board of the school district in which the election was held shall file a certified statement of the vote for annexation and transfer with the secretary of the board of the annexing school district and with the secretary of the board of each school district to which some portion of the dividing school district is to be transferred.

**History:** Add. 1984, Act 154, Imd. Eff. June 25, 1984.

**Popular name:** Act 451

### **380.947 Bonded indebtedness; taxation; recertification of taxes by resolution; filing certified copy of resolution; effect of reduction in taxes.**

Sec. 947. (1) If the dividing school district has bonded indebtedness at the time of annexation and transfer, the identity of the school district shall not be lost by virtue of annexation or transfer. The territory of the dividing school district shall remain as a separate assessing unit for purposes of bonded indebtedness until the indebtedness has been retired or the outstanding bonds refunded by the annexing school district. The board of the annexing school district shall constitute the board of trustees for the divided school district having bonded indebtedness. The officers of the annexing school district shall be the officers for the divided district for the purpose of bonded indebtedness.

(2) The board of the annexing school district shall certify and order the levy of taxes for bonded indebtedness in the name of the dividing school district, shall not commingle the debt retirement funds of the dividing school district with those of the annexing school district, and shall do all things relating to the indebtedness required by law and by the terms under which the issuance and sale of the bonds originally were authorized.

(3) Other taxes of any nature levied for the purposes of any of the combined school districts formed by annexation or transfer shall be spread uniformly over the entire area of the combined school district levying the tax.

(4) If the electors of the dividing school district approve the annexation and transfer after September 15 but before December 1 of any year, the boards of the newly formed school districts by resolution shall recertify the taxes to be levied on the taxable property within the newly formed district to reflect any resulting reduction or increase in millage caused or authorized by the division, annexation, and transfer. The secretary of the board shall file a certified copy of the resolution with the county clerk and each city and township clerk in which the newly formed district is situated. If a dividing school district, an annexing school district, or a transferee school district has collected a portion of the taxes for the year in which the reduction occurs, the amount of the reduction shall be applied in whole to the second levy for that year in that affected school district.

**History:** Add. 1984, Act 154, Imd. Eff. June 25, 1984.

**Popular name:** Act 451

### **380.948 Assets and liabilities; employment contracts and agreements; applicability of subsection (2); rights and benefits.**

Sec. 948. (1) Upon the effective date of the division of the school district, all assets and liabilities of the divided school district, with the exception of its bonded indebtedness, shall become the assets and liabilities of the annexing school district except as provided in subsection (2).

(2) Except as provided in subsection (3), all employment contracts and agreements with authorized bargaining agents in effect at the time of the annexation-transfer election with the annexing school district, the annexed school district, and the school district or districts to which portions of the territory of the dividing school district are to be transferred shall remain in full force and effect for the duration of those contracts for the employees covered by them even after division of the district until representatives of employees, for the purposes of collective bargaining, have been certified by the Michigan employment relations commission and a successor agreement has been ratified by the bargaining agent of each bargaining unit and the boards of education of the annexing school district or the district or districts to which portions of the territory of the dividing school district have been transferred, as the case may be.

(3) In the event of an agreement of the authorized bargaining agents and the board of a district in which employees are to be employed, not less than 60 days prior to the annexation-transfer election, the provisions of subsection (2) shall not apply. All personnel employed under the provisions of this act shall be entitled to all the rights and benefits to which they otherwise would be entitled had they been employed by the newly formed school district originally.

(4) Employees of the dividing school district employed by the annexing school district or any district to which a portion of the territory of the dividing school district has been transferred shall be entitled to all rights provided by Act No. 4 of the Public Acts of the Extra Session of 1937, being sections 38.71 to 38.191 of the Michigan Compiled Laws, to which they would have been entitled if they had been employed originally by the annexing school district or any school district to which a portion of the territory of the dividing school has been transferred, as the case may be, including tenure status.

**History:** Add. 1984, Act 154, Imd. Eff. June 25, 1984.

**Popular name:** Act 451

### **380.949 Division effective when school in session; pupils; tuition; closing schools.**

Sec. 949. If the division of a school district becomes effective at a time when school is in session, each pupil may complete the school year at the school the pupil was attending before the division occurred without payment of tuition, regardless of the school district to which that school may have been annexed or transferred. The boards of the newly formed school districts may agree to permit nonresident pupils who attended school in the dividing school district to attend school in the newly formed school districts without payment of tuition for the 2 school fiscal years after the effective date of the division. This section shall not prevent the annexing school district from closing any schools included in the annexation the fiscal year immediately following the effective date of the division.

**History:** Add. 1984, Act 154, Imd. Eff. June 25, 1984.

**Popular name:** Act 451

## **PART 11 TRANSFER OF TERRITORY**

### **380.951 Transfer of territory between school districts; resolution or petition; final action; territory being detached to be contiguous; approval of electors; request by board of condominium association.**

Sec. 951. (1) An intermediate school board may detach territory from 1 school district and attach the territory to another school district if requested to do so by resolution of the board of a school district whose boundaries would be changed by the action; subject to subsection (2), by resolution of the board of a condominium association acting pursuant to a petition signed by not less than 2/3 of the co-owners of the condominium association who reside on the land to be transferred; or if petitioned by not less than 2/3 of the persons who own and reside on the land to be transferred. The intermediate school board shall take final action within 60 days after the receipt of the resolution or petition. The territory to be detached shall be contiguous to the school district to which it is attached. If the latest assessed valuation of the territory to be detached is more than 10% of the latest assessed valuation of the entire school district from which the territory is to be detached, the action of the intermediate school board shall not be effective unless approved by an affirmative vote of a majority of the school electors of the school district from which the territory is to be detached.

(2) The board of a condominium association may request that an intermediate school board detach territory from 1 school district and attach the territory to another school district as described in subsection (1) only if the board of the condominium association represents the co-owners of a condominium project that is completed and not less than 75% of the units are sold and occupied.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 508, Imd. Eff. Dec. 29, 1988;—Am. 1990, Act 147, Imd. Eff. June 27, 1990.

**Popular name:** Act 451

### **380.952 Notice of meeting and of proposed alterations in school district boundaries.**

Sec. 952. The intermediate superintendent shall give 10 days' notice of the time and place of the meeting of the intermediate school board and of the proposed alterations in school district boundaries to be considered by publication once before the meeting in newspapers of general circulation in the territory of the affected school districts.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 370, Imd. Eff. Dec. 28, 1982.

**Popular name:** Act 451

### **380.953 Territory extending into 2 or more school districts; joint meeting of boards; filing resolution or petition; notice of meeting; action on resolution or petition; quorum; election of chairperson and secretary.**

Sec. 953. If the territory of school districts the boundaries of which are affected by the proposed alteration extends into 2 or more intermediate school districts, the intermediate school board of each intermediate school district shall meet jointly and sit as a single board to act upon the request for the transfer of territory. The resolution or petition for the transfer of territory may be filed with the intermediate school board of 1 of the intermediate school districts. The intermediate superintendent shall call the joint meeting of the affected intermediate school boards and give the notice of the intermediate school districts' meeting under section 952. Action on the resolution or petition for transfer of territory shall be taken only at a meeting attended by at least a quorum of each of the intermediate school boards. The intermediate school boards meeting jointly shall elect 1 of their members chairperson and another secretary of the meeting.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.953a Transfer of territory; basis for decision.**

Sec. 953a. In making a decision on a proposed transfer of territory under this part, the intermediate school board, or the intermediate school boards meeting jointly, shall consider the welfare of the affected pupil, including, but not limited to, the length of the pupil's commute to and from school, on a school bus or otherwise.

**History:** Add. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.954 Map; preparation; contents; filing certified copy.**

Sec. 954. If the intermediate school board or the joint intermediate school boards approve alterations in the boundaries of school districts, the board or joint boards shall cause a map to be prepared showing in detail the boundaries of the affected school districts before alteration and the boundaries of territory attached or detached. A copy of the map bearing the certification of the intermediate superintendent or the chairperson of the joint boards shall be filed with the secretary of each affected school district and with each affected township supervisor or city assessor.



**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.955 Effective date of transfer; transfer of personal property; payment for loss of property; accounting; adjournment.**

Sec. 955. The intermediate school board or joint intermediate school boards shall determine the effective date of the transfer, which shall not be less than 10 days after the date of the determination, and shall determine whether personal property of a school district is to be transferred. If real property owned by a school district is transferred to another school district, the intermediate school board shall determine an equitable payment for the loss of the property. The intermediate school board or joint intermediate school boards may require an accounting from the affected boards of education and, for the purpose of making the determination, may adjourn subject to the call of the president of the intermediate school board or chairperson of the joint intermediate school boards.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.961 Territory detached from school district having bonded indebtedness; taxes; bond issue; exemptions; collections; payment of present value of pro rata bonded indebtedness; certifications; settlement of bonded indebtedness.**

Sec. 961. (1) If territory is detached from a school district which has bonded indebtedness and transferred to another school district, the territory shall remain as part of the district from which detached for the purpose of levying debt retirement taxes for the bonded indebtedness until the bonds are redeemed or sufficient funds are available in the debt retirement fund for that purpose. The transferred territory shall not be part of the school district from which detached for the purpose of a subsequent bond issue, nor shall the detached territory be part of the school district from which detached for tax levies imposed for the purpose of bonded indebtedness created or assumed at a time when the portion of detached territory was not a part of the district or territory approving or assuming the bonded indebtedness. The territory shall be a part of the school district to which transferred for all other purposes.

(2) The territory shall not be subject to debt retirement tax levies for bonded indebtedness of the school district to which transferred existing at the time of transfer until the bonded indebtedness of the school district from which the territory was transferred existing at the time of the transfer is retired or sufficient funds are available and earmarked in the debt retirement fund for that purpose. The board of the school district to which the property is attached, by resolution, may exempt the property from the debt tax levies for not more than 3 years. The school officials of the district to which the territory is attached shall certify required debt retirement levies for the bonds of the school district from which the territory was detached, and the territory over which the levies are to be spread, to the proper taxing officials when certifying other taxes to be levied by the school district. The tax collecting officials shall remit the collections with other tax collections to the school district to which the property is attached. The officials of that school district shall immediately transmit the collections to the school district from which the territory was detached.

(3) The school district to which territory is attached may pay to the school district from which the land is detached the present value of the pro rata bonded indebtedness of the detached territory. The intermediate school board shall certify to the department of treasury the fact of the transfer, the description of the territory transferred, the bonded indebtedness of the school district from which the territory is detached, the assessed valuation of the school district from which the territory is detached, the assessed valuation of the detached territory, and other information the department of treasury may require. The department of treasury shall determine the pro rata share of the bonded indebtedness of the detached territory to the board of the school district from which the territory is detached. The department of treasury shall certify the amount determined to the intermediate school board. The intermediate school board shall certify the amounts to the boards of the school districts affected. The school district to which the territory is transferred may pay the sum to the school district from which the territory has been detached. Settlement of the bonded indebtedness shall be made on the state equalized valuation in the year of transfer. The school district receiving the money shall apply it under the terms and tenor of the bond issue.

(4) A transfer made after September 1 in a given year shall be a part of the territory from which detached for the purpose of the succeeding December tax levy in the year of transfer. Upon settlement of the bonded indebtedness by the school district to which the territory has been attached, the territory is subject to the bond debt retirement tax levy for bonded indebtedness of the school district to which attached existing at the time of transfer. For the purpose of making the settlement, the school district to which the territory is attached may use up to 15% of state school aid in 1 year.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1983, Act 118, Imd. Eff. July 18, 1983.

**Popular name:** Act 451

### **380.966 Levy of school operational millage; certification.**

Sec. 966. If territory is attached to a school district effective before September 1 of a year, school operational millage for that year shall be levied on property in the territory by the attaching school district. If territory is attached to a school district effective on or after September 1 of a year, school operational millage for that year shall be levied on property in the territory by the school district from which the territory is detached. The school officials of the district entitled to levy school operational millage upon the transferred territory shall certify the school operational millage, and the territory over which it is to be spread, to the proper taxing officials when certifying the taxes to be levied by the school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.971 Appeal to state board of education.**

Sec. 971. (1) One or more resident owners of land considered for transfer from 1 school district to another, or the board of a school district whose territory is affected, may appeal the action of the intermediate school board or joint intermediate school boards in transferring the land, the failure to transfer the land, or action relative to the accounting determination to the state board within 10 days after the action or determination by the intermediate school board or the joint intermediate school boards. If the intermediate school board or the joint intermediate school boards fail to take action within the time limit under section 951, the appeal may be made to the state board within 10 days following the termination of the period. The pendency of an appeal shall suspend the action or determination of the intermediate school board or joint intermediate school boards.

(2) The state board may confirm, modify, or set aside the order of the intermediate school board or the joint intermediate school boards. In considering an appeal, the state board shall consider the welfare of the affected pupil, including, but not limited to, the length of the pupil's commute to and from school, on a school bus or otherwise. The action of the state board on the appeal is final.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.976 Change in boundaries; continued attendance of twelfth grade pupils without payment of tuition.**

Sec. 976. If the boundaries of a school district are changed pursuant to this part, a pupil in the twelfth grade at the time of the change or entering twelfth grade at the beginning of the school year immediately following the change shall be allowed to continue attending school in the school district which the pupil attended before the change without payment of tuition.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

## **PART 12 SCHOOL ELECTIONS**

### **380.1001-380.1032 Repealed. 1992, Act 263, Eff. Jan. 1, 1993;—2003, Act 299, Eff. Jan. 1, 2005.**

**Popular name:** Act 451

## **PART 13 SCHOOL ELECTIONS; REGISTRATION SCHOOL DISTRICTS**

### **380.1051-380.1071 Repealed. 1992, Act 263, Eff. Jan. 1, 1993;—2003, Act 299, Eff. Jan. 1, 2005.**

**Popular name:** Act 451

## **PART 14 BOARDS OF EDUCATION; MEMBERSHIP**

### **380.1101-380.1106 Repealed. 2003, Act 299, Eff. Jan. 1, 2005.**

**Compiler's note:** The repealed sections pertained to election or appointment of board members, vacancies, and recall.

**Popular name:** Act 451

### **380.1107 Removal of board member; procedures; eligibility for election or appointment; restriction.**

Sec. 1107. (1) The governor may remove a member of a school board from office under this section if the governor is satisfied from the evidence submitted to the governor that the member is guilty of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.

(2) Before the governor removes a school board member under this section, all of the following procedures shall be followed:

(a) Charges shall be submitted to the governor in writing specifying the grounds for removal. The charges shall be accompanied by any supporting evidence and by the affidavit of the person making the charges verifying that the person believes the charges to be true.

(b) A copy of the charges shall be served on the school board member. Service shall be made as follows:

(i) If the school board member can be found, by handing the school board member a copy of the charges and of any affidavits or exhibits accompanying the charges.

(ii) If the school board member cannot be found, by leaving a copy of the charges and of any affidavits or exhibits accompanying the charges with a person of suitable age at the school board member's last known place of residence or, if a person of suitable age is not available, by posting the copy or copies in a conspicuous place at the school board member's last known place of residence.

(c) The school board member shall be given an opportunity to respond to the charges.

(3) A person removed from office under this section is not eligible for election or appointment to a school board or intermediate school board for a period of 3 years from the date of removal.

**History:** Add. 2004, Act 234, Imd. Eff. July 21, 2004.

**Popular name:** Act 451

## **PART 15**

### **SCHOOL DISTRICTS; POWERS AND DUTIES GENERALLY**

### **380.1131 Provisions governing school districts.**

Sec. 1131. Each school district is subject to and governed by this article except as to those matters which are specifically or by necessary implication provided for a first class school district under part 6, and by articles 3 and 4. An intermediate school district is governed by the provisions of this article that relate specifically to intermediate school districts and by articles 3 and 4.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1132 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to powers, duties, obligations, and liabilities of a school district as body corporate.

**Popular name:** Act 451

### **380.1133 Commencement of fiscal school year.**

Sec. 1133. The fiscal school year of a local school district or an intermediate school district commences on July 1.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1134 Definitions; tagging record of missing student; removal of tag.**

Sec. 1134. (1) As used in this section and section 1135:

(a) "Local school district" means a local school district or local act school district that requires records to be compiled for each student in the district.

(b) "Intermediate school district" means an intermediate school district that serves a student who does not have a record at the local school district, but does have a record at the intermediate school district.

(2) Upon notification by a law enforcement agency pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, that a student less than 17 years of age is missing, a local school district or intermediate school district shall tag the record of the missing student in a manner that will alert the local or intermediate school district to the fact that the record is that of a missing person.

(3) Upon notification by a law enforcement agency pursuant to section 8 of Act No. 319 of the Public Acts of 1968 that the information entered into the law enforcement information network regarding a missing

student has been canceled, the local or intermediate school district shall remove the tag from the student's school record not later than 7 days after receiving the notice from the law enforcement agency.

(4) The local or intermediate school district shall remove the tag on a missing student's school record as soon as possible after the student becomes 18 years of age.

**History:** Add. 1987, Act 84, Imd. Eff. June 29, 1987.

**Popular name:** Act 451

### **380.1135 Proof of identity and age; notice of noncompliance; investigation; reporting inaccurate or suspicious affidavit; school record of transfer student; compliance; effect of tagged record; confidentiality.**

Sec. 1135. (1) Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following:

(a) A certified copy of the student's birth certificate.

(b) Other reliable proof, as determined by the school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.

(2) If a person enrolling a student fails to comply with subsection (1), the local or intermediate school district shall notify the person enrolling the student in writing that, unless he or she complies within 30 days after the notification, the case shall be referred to the local law enforcement agency for investigation. If the person enrolling the student fails to comply within that 30-day period, the local or intermediate school district shall notify the local law enforcement agency.

(3) The local or intermediate school district shall immediately report to the local law enforcement agency any affidavit received pursuant to this section that appears inaccurate or suspicious in form or content.

(4) Within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request unless the record has been tagged pursuant to section 1134. If a student record has been tagged pursuant to section 1134, a copy of the student record shall not be forwarded, and the requested school shall notify the law enforcement agency that notified the school district of the missing student pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, of the request.

(5) A local or intermediate school district shall not disclose any personally identifiable information contained in a student record to a law enforcement agency, except in compliance with the family educational rights and privacy act, 20 U.S.C. 1232g.

**History:** Add. 1987, Act 84, Imd. Eff. June 29, 1987.

**Popular name:** Act 451

### **380.1137 Powers of parents and legal guardians; policies or guidelines.**

Sec. 1137. (1) In recognition of the rights of parents and legal guardians, the board of a school district, public school academy, university school, or intermediate school district shall ensure that a parent or legal guardian responsible for the care and custody of a pupil enrolled in the school district, public school academy, university school, or intermediate school district may do all of the following:

(a) Review the curriculum, textbooks, and teaching materials of the school in which the pupil is enrolled at a reasonable time and place and in a reasonable manner.

(b) Be present, to a reasonable degree, and at reasonable times and subject to reasonable restrictions, controls, and limits, to observe instructional activity in a class or course in which the pupil is enrolled and present. As used in this subdivision, "instructional activity" does not include testing.

(2) The board of a school district, public school academy, university school, or intermediate school district may adopt reasonable policies or guidelines under this section. Those policies or guidelines shall not unreasonably prevent the exercise of the rights set forth in subsection (1) and shall not create an unreasonable obstacle to teaching or learning, or to administering or maintaining proper discipline, in a school or school program. If a board adopts policies or guidelines under this subsection, the board shall make the policies or guidelines available to the public.

**History:** Add. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1137a Release of information to parent who is subject of personal protection order; prohibition.**

Rendered Friday, January 14, 2011

Page 17 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

Sec. 1137a. If a school district, local act school district, public school academy, intermediate school district, or nonpublic school is the holder of records pertaining to a minor pupil, if a parent of the minor pupil is prohibited by a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, from having access to information in records concerning the minor pupil that will inform the parent about the minor's or other parent's address or telephone number or the other parent's employment address, and if the school district, local act school district, public school academy, intermediate school district, or nonpublic school has received a copy of the personal protection order, the school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not release that information to the parent who is subject to the personal protection order.

**History:** Add. 1999, Act 272, Eff. July 1, 2000.

**Popular name:** Act 451

### **380.1138 Pupil absent from school due to deployment or return from active duty of parent, legal guardian, or sibling; excused absence; definitions.**

Sec. 1138. (1) If a pupil is absent from school for up to 1 full school day because his or her parent, legal guardian, or sibling is a service member being deployed on or returning from active duty, or if a pupil is absent from school for up to 2 full school days if the location of the deployment or return is more than 300 miles from the pupil's home, the school officials of a public school shall consider that absence to be an excused absence. The board of a school district or intermediate school district or board of directors of a public school academy shall ensure that their attendance policy is consistent with this section.

(2) This section does not prohibit a public school from considering an absence for a reason described in subsection (1) that is longer than the number of school days prescribed in subsection (1) to be an excused absence.

(3) As used in this section:

(a) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of congress, or an order of the governor.

(b) "Armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092.

(c) "Michigan national guard" means that term as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

(d) "Service member" means a member of the armed forces, a reserve branch of the armed forces, or the Michigan national guard.

**History:** Add. 2008, Act 141, Imd. Eff. May 28, 2008.

**Popular name:** Act 451

### **380.1139 Access to high school pupil directory by armed forces recruiting representatives.**

Sec. 1139. (1) Except as otherwise provided in subsection (2), the school officials of a public high school shall provide at least the same access to the high school campus and to pupil directory information of the pupils enrolled in the high school as is provided to other entities offering educational or employment opportunities to official recruiting representatives of all of the following for the purpose of informing pupils of educational and career opportunities available in the following:

(a) The armed forces of the United States.

(b) The service academies of the armed forces of the United States.

(2) If a high school pupil or the parent or legal guardian of a high school pupil submits a signed, written request to school officials of a public high school that indicates that the pupil or the parent or legal guardian does not want the pupil's directory information to be accessible to official recruiting representatives under subsection (1), then the school officials of the high school shall not allow that access to the pupil's directory information. The governing board of the school district, intermediate school district, or public school academy operating the high school shall ensure that pupils and parents and guardians are notified of the provisions of this subsection.

(3) The school officials of a public high school shall provide any public notice required to be given under section 444 of subpart 4 of part C of the general education provisions act, title IV of Public Law 90-247, 20 U.S.C. 1232g, commonly referred to as the family educational rights and privacy act of 1974, in order to comply with this section and federal law.

(4) The school officials of a public high school may require an official recruiting representative described in subsection (1) to pay a fee, not to exceed the actual costs incurred by the high school, for copying and mailing pupil directory information under this section.



(5) An official recruiting representative who receives pupil directory information under this section shall use that information only to provide information to pupils concerning educational and career opportunities available in the armed forces of the United States or the service academies of the armed forces of the United States. An official recruiting representative who receives pupil directory information under this section shall not release that information to a person who is not involved in recruiting pupils for the armed forces of the United States or the service academies of the armed forces of the United States.

(6) Public schools are encouraged to assign 1 or more school employees to notify male pupils age 18 or older that they are required to register for the selective service.

(7) The armed forces of the United States are encouraged to work with each other to develop and use a standardized form for requesting access to a high school campus and for requesting a time for the access.

(8) As used in this section:

(a) "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States coast guard.

(b) "Pupil directory information" means a pupil's name and address and, if it is a listed or published telephone number, the pupil's telephone number.

**History:** Add. 2002, Act 39, Imd. Eff. Mar. 12, 2002.

**Popular name:** Act 451

### **380.1140 Skilled trades training and apprenticeship programs; access to representatives of associations to provide information.**

Sec. 1140. If a school district, intermediate school district, or public school academy allows institutions of higher education access to school facilities or activities to provide information to pupils about educational, vocational, or apprenticeship opportunities, the board of the school district or intermediate school district or board of directors of the public school academy shall allow the same access to representatives of associations to provide information about skilled trades training and apprenticeship programs.

**History:** Add 2003, Act 264, Imd. Eff. Jan. 5, 2004.

**Popular name:** Act 451

### **380.1141 Property of school district exempt from taxation; exception; liability for special assessments; agreement to pay special assessments for local improvements.**

Sec. 1141. (1) The property of a school district is exempt from taxation, provisions of other acts to the contrary notwithstanding, except that property owned by the school district that is used for private purposes for more than 2 years is not exempt from taxation as long as the private use continues beyond the 2-year period.

(2) School property not being utilized primarily for public school purposes and from which income is being derived or which is being held out for income purposes at the time of final confirmation of special assessment rolls by the governing body of a city, village, or township shall be liable to the city, village, or township for special assessments attributable to the property. The property shall continue to be liable for the special assessment for a period not longer than 2 years after the property is put to a public school use. The board of a school district may enter into an agreement with a county or county agency, city, village, or township to pay special assessments for local improvements levied against school property irrespective of the use to which the property is put.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1146 Single-gender school, class, or program.**

Sec. 1146. (1) Except as otherwise provided under subsection (2) and section 475, a separate school or department shall not be kept for a person on account of race, color, or gender. This section shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil to be taught in separate places as may be considered expedient.

(2) Subject to subsection (3), the board of a school district or intermediate school district or board of directors of a public school academy may establish and maintain a school, class, or program within a school in which enrollment is limited to pupils of a single gender if the school district, intermediate school district, or public school academy makes available to pupils a substantially equal coeducational school, class, or program and a substantially equal school, class, or program for pupils of the other gender.

(3) If the board of a school district or intermediate school district or board of directors of a public school academy establishes a single-gender school, class, or program described in subsection (1), the school district, intermediate school district, or public school academy shall not require participation by any of its pupils in the

single-gender school, class, or program. The board or board of directors shall ensure that participation by pupils in a single-gender school, class, or program is wholly voluntary. For the purposes of this subsection, participation by a pupil in a single-gender school, class, or program is not considered to be voluntary unless the school district, intermediate school district, or public school academy also makes available to the pupil a substantially equal coeducational school, class, or program.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2006, Act 303, Imd. Eff. July 20, 2006.

**Popular name:** Act 451

### **380.1147 Right to attend school; right to enroll in kindergarten.**

Sec. 1147. (1) A person, resident of a school district not maintaining a kindergarten and at least 5 years of age on the first day of enrollment of the school year, shall have a right to attend school in the district.

(2) In a school district where provision is made for kindergarten work, a child, resident of the district, is entitled to enroll in the kindergarten if the child is at least 5 years of age on December 1 of the school year of enrollment. In a school district which has semiannual promotions, a child, resident of the district, is entitled to enroll in kindergarten for the second semester if the child is at least 5 years of age on March 1 of the year of enrollment.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Constitutionality:** Shared time instruction of sectarian, nonpublic school students in and of itself is not violative of the Establishment Clause of the United States Constitution even where benefits to religion appear substantial; it is only where it is clear that the program was motivated wholly by religious considerations that a conflict with the clause would exist. Snyder v Charlotte Schools, 421 Mich 517; 365 NW2d 151 (1984).

Shared time instruction clearly is not intended to benefit one or all religions; rather, the purpose is secular: to provide educational opportunities at public schools for all resident school-age children whether they attend public or religious or secular nonpublic schools. Snyder v Charlotte Schools, 421 Mich 517; 365 NW2d 151 (1984).

**Popular name:** Act 451

### **380.1147b Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to diversity of school populations.

**Popular name:** Act 451

### **380.1148 Residence of child placed in licensed home or home of relatives; admission to school; child placed in foster care; enrollment and attendance of child regardless of residence; transfer to another school.**

Sec. 1148. (1) Except as provided in section 1711 and subsection (2), a child whose parents or legal guardians are unable to provide a home for the child and who is placed in a licensed home or in a home of relatives in the school district for the purpose of securing a suitable home for the child and not for an educational purpose shall be considered a resident for education purposes of the school district where the home in which the child is living is located. The child shall be admitted to the school in the district.

(2) If a child who is under court jurisdiction under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, is placed in foster care, a school district shall allow the child to enroll in and attend the appropriate grade in the school selected by the department of human services or a child placing agency without regard to whether or not the child is residing in that school district. If the selection results in a child transferring to another school, the child's school records shall be transferred as provided under section 1135.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2009, Act 186, Imd. Eff. Dec. 17, 2009.

**Popular name:** Act 451

### **380.1148a Parents residing in different school districts; residency of child.**

Sec. 1148a. For education purposes under this act, without regard to whether a parent or legal guardian has custody of the child, if a child's parents, or a child's parent or parents and the child's legal guardian, reside in different school districts, the child shall be considered to be a resident of a school district in which either of the child's parents resides, or in which the child's legal guardian resides. If the child meets the applicable age requirements, the child may attend school in a school district in which either of the child's parents resides, or in which the child's legal guardian resides.

**History:** Add. 1996, Act 394, Imd. Eff. Oct. 3, 1996.

**Popular name:** Act 451

### **380.1149, 380.1150 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to special assistance to certain at risk students.

**Popular name:** Act 451

### **380.1151 English as basic language of instruction; exceptions.**

Sec. 1151. (1) English shall be the basic language of instruction in the public and nonpublic schools of this state and in state institutions.

(2) Subsection (1) shall not be construed as applying to:

(a) Religious instruction in a nonpublic school given in a foreign language in addition to the regular course of study.

(b) A course of instruction in a foreign language in which the pupil acquires sufficient proficiency to be conversant in the foreign language.

(c) Bilingual instruction, as defined in section 1152, which will assist children of limited English-speaking ability to achieve reasonable efficiency in the English language.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1152 “Bilingual instruction,” “children of limited English-speaking ability,” and “in-service training” defined.**

Sec. 1152. As used in sections 1152 to 1158:

(a) “Bilingual instruction” means the use of 2 languages, 1 of which is English, as media of instruction for speaking, reading, writing, or comprehension. “Bilingual instruction” may include instruction in the history and culture of the country, territory, or geographic area associated with the language spoken by children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

(b) “Children of limited English-speaking ability” means children who have or reasonably may be expected to have difficulty performing ordinary classwork in English because their native tongue is a language other than English or because they come from a home or environment where the primary language used is a language other than English.

(c) “In-service training” means short-term or part-time training for administrators, teachers, teacher aides, paraprofessionals, or other education personnel engaged in bilingual instruction programs for children of limited English-speaking ability.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1153 Bilingual instruction program; establishment and operation.**

Sec. 1153. (1) The board of a school district may establish and operate a bilingual instruction program for children of limited English-speaking ability.

(2) A child of limited English-speaking ability residing in a district that does not have an appropriate bilingual instruction program or that is not required to have a bilingual instruction program may enroll in a bilingual instruction program in another school district.

(3) An intermediate school district may operate or contract for the operation of a bilingual program or service, and may carry children enrolled in the program in membership in the same manner as a local school district and be entitled to its proportionate share of state funds available for the program. Membership shall be calculated under rules promulgated by the state board. The intermediate school board shall consider:

(a) Whether the cost of operating an intermediate bilingual instruction-support program is justified by the number of children at each grade level who would benefit from its establishment.

(b) Whether alternative methods of providing a bilingual instruction-support program, such as visiting teachers or part-time instruction, can be provided.

(4) The state shall continue to fund programs of bilingual instruction described in this section at least at the level that instruction is funded in the 1995-1996 state fiscal year.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

**Administrative rules:** R 388.701 et seq. of the Michigan Administrative Code.

### **380.1154 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to bilingual instruction programs.

**Popular name:** Act 451

### **380.1155 Bilingual instruction program; notice of enrollment.**

Sec. 1155. (1) Prior to the placement of a child of limited English-speaking ability in a bilingual instruction program, the board of the local school district in which the child resides shall notify, by registered mail, the child's parents or legal guardian that the child is being enrolled in a bilingual instruction program. The notice shall contain a simple, nontechnical description of the purposes, method, and content of the program and shall inform the parents or guardian that they have the right to visit bilingual instruction classes in which their child is enrolled.

(2) The notice shall be written in English and in the native language of the child of limited English-speaking ability.

(3) The notice shall inform the parents or guardian that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the board of the local school district in which the child resides.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1156 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to advisory committees.

**Popular name:** Act 451

### **380.1157 In-service training programs; rules; examination of testing mechanisms.**

Sec. 1157. (1) The state board, in cooperation with intermediate school districts and local school districts, shall develop and administer a program of in-service training for bilingual instruction programs. The state board shall promulgate rules governing the conduct of and participation in the in-service training programs.

(2) The state board shall promulgate rules governing the endorsement of teachers as qualified bilingual instructors in the public schools of this state. The teacher shall meet the requirements of part 22 and shall be proficient in both the oral and written skills of the language for which the teacher is endorsed.

(3) The state board shall approve an examination or testing mechanism suitable for evaluating the proficiency in English language skills of a child of limited English-speaking ability.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**Administrative rules:** R 390.1101 et seq. of the Michigan Administrative Code.

### **380.1157a Repealed. 1993, Act 335, Imd. Eff. Dec. 31, 1993.**

**Compiler's note:** The repealed section pertained to high school credit in foreign language.

**Popular name:** Act 451

### **380.1157b High school credit in foreign language for American sign language.**

Sec. 1157b. The board of a school district may grant high school credit in a foreign language to a pupil enrolled in high school who has satisfactorily completed a high school course offered in American sign language or who has attained proficiency in American sign language outside of a public or private high school curriculum.

**History:** Add. 1987, Act 18, Imd. Eff. Apr. 24, 1987.

**Popular name:** Act 451

### **380.1158 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to duties of the state board.

**Popular name:** Act 451

### **380.1164b African history; course content.**

Sec. 1164b. A school district or public school academy that teaches world history in a middle school or high school grade is encouraged to focus the content of instruction regarding Africa on at least 1 or more of the following kingdoms: Ghana, Mali, Songhay, Benin, Bornu, Nubia, Axum, Meroe, Monomotapa, or medieval Ethiopia, or on the Swahili coast prior to 1750. This section is not intended to prohibit or limit teaching about other areas of African history.

**History:** Add. 2008, Act 312, Imd. Eff. Dec. 18, 2008.

**Popular name:** Act 451

### **380.1165 Financial education programs.**

Sec. 1165. (1) Not later than July 1, 2002, the department shall develop or adopt, and shall make available to schools, 1 or more model programs for youth financial education. A program under this section shall be designed to incorporate financial education throughout the curriculum for grades K to 12 and shall be based on the concept of achieving financial literacy through the teaching of personal financial management skills and the basic principles involved with earning, spending, saving, borrowing, and investing.

(2) Each school district, local act school district, and public school academy is encouraged to adopt and implement the model financial education programs developed under subsection (1) or 1 or more similar financial education programs.

(3) To the extent that federal funds are available for these purposes, the department shall use those funds for grants to public schools and other measures to encourage implementation of financial education programs.

**History:** Add. 2002, Act 111, Imd. Eff. Apr. 1, 2002.

**Popular name:** Act 451

### **380.1166 Constitutions and governments; mandatory courses; commencement of instruction; exception.**

Sec. 1166. (1) In all public and nonpublic schools in this state regular courses of instruction shall be given in the constitution of the United States, in the constitution of Michigan, and in the history and present form of government of the United States, Michigan, and its political subdivisions. Instruction shall begin not later than the opening of the eighth grade, or its equivalent, except in schools maintaining a junior high school, in which case it may begin in the ninth grade.

(2) A high school in this state which offers 12 grades shall require a 1-semester course of study of 5 periods per week in civics which shall include the form and functions of the federal, state, and local governments and shall stress the rights and responsibilities of citizens. A diploma shall not be issued by a high school to a pupil who has not successfully completed this course. This requirement shall not be applicable as a graduation requirement for a high school pupil who has enlisted or been inducted into military service.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1167, 380.1168 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to dispute management, resolution, and consumer economics.

**Popular name:** Act 451

### **380.1169 Dangerous communicable diseases; human immunodeficiency virus infection and acquired immunodeficiency virus infection; teacher training; teaching materials; curricula; teaching of abstinence from sex.**

Sec. 1169. (1) The principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for the restriction and prevention of these diseases shall be taught in every public school in this state. Subject to subsection (3) and section 1507b, the teaching under this section shall stress that abstinence from sex is a responsible and effective method for restriction and prevention of these diseases and is a positive lifestyle for unmarried young people.

(2) Except for licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome, each person who teaches K to 12 pupils about human immunodeficiency virus infection and acquired immunodeficiency syndrome pursuant to subsection (1) shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. The superintendent of public instruction, in cooperation with the department of public health, shall train trainers to provide the teacher training required by this subsection and shall provide for the development and distribution to school districts of medically accurate material on the teaching of human immunodeficiency virus infection and acquired immunodeficiency syndrome to young people.

(3) The choice of curricula to be used for human immunodeficiency virus infection and acquired immunodeficiency syndrome education required to be taught under subsection (1) shall be approved by the appropriate school board and implemented in the school setting not later than October 1, 1990. Before adopting any revisions to the curriculum implemented under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a responsible method for restriction and prevention of disease, a school board shall hold at least 2 public hearings on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1507.



**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1987, Act 185, Imd. Eff. Nov. 30, 1987;—Am. 1990, Act 139, Imd. Eff. June 26, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 2004, Act 165, Imd. Eff. June 24, 2004.

**Popular name:** Act 451

### **380.1170 Physiology and hygiene; instruction; development of comprehensive health education programs; conflict with religious beliefs.**

Sec. 1170. (1) Instruction shall be given in physiology and hygiene, with special reference to substance abuse, including the abusive use of tobacco, alcohol, and drugs, and their effect upon the human system.

(2) Comprehensive health education programs shall be developed as prescribed by Act No. 226 of the Public Acts of 1969, being sections 388.381 to 388.385 of the Michigan Compiled Laws.

(3) A child upon the written statement of parent or guardian that instruction in the characteristics or symptoms of disease is in conflict with his or her sincerely held religious beliefs shall be excused from attending classes where such instruction is being given and no penalties as to credit or graduation shall result therefrom.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1171 Suicide prevention and awareness; instruction and professional development; availability of model programs and materials to school districts and public school academies; notice to parents; cause of action or legal duty not created; section known as "Chase Edwards law."**

Sec. 1171. (1) The board of a school district or board of directors of a public school academy is encouraged to provide age-appropriate instruction for pupils and professional development for school personnel concerning the warning signs and risk factors for suicide and depression and the protective factors that help prevent suicide. The instruction and professional development shall be designed to achieve the following goals:

- (a) To prevent both fatal and nonfatal suicide behaviors among youth.
- (b) To increase pupil awareness of the warning signs and risk factors for suicide and depression.
- (c) To improve access to appropriate prevention services for vulnerable youth groups.

(2) The board of a school district or board of directors of a public school academy is encouraged to work with school personnel and local or state organizations and resources specializing in suicide prevention and awareness.

(3) The department shall develop or select model programs and materials on suicide prevention and awareness that are appropriate for the purposes of this section, such as the Michigan model for comprehensive school health education, and shall make those model programs and materials available to school districts and public school academies.

(4) If a school district or public school academy provides instruction described in subsection (1), the board of the school district or board of directors of the public school academy shall notify the parents of all pupils of each school in which the instruction is provided about the instruction using the communication method the school district or public school academy normally uses for regular communications with parents.

(5) Failure of a school district or public school academy to comply with subsection (4) does not create a cause of action or constitute a breach of any legal duty in a civil action.

(6) This section shall be known as the "Chase Edwards law".

**History:** Add. 2006, Act 324, Imd. Eff. July 20, 2006.

**Compiler's note:** Former MCL 380.1171, which pertained to instruction on animals and birds, was repealed by Act 289 of 1995, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1171a Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to development of nature study area.

**Popular name:** Act 451

### **380.1172 Personality tests; promulgation and scope of rules.**

Sec. 1172. (1) The state board shall promulgate rules concerning personality tests, both projective and nonprojective types, administered to pupils in school districts of the state as school projects or as parts of the school programs.

(2) The rules shall include:

- (a) Circumstances under which the tests may be administered.

- (b) Responsibility for selection of the tests.
- (c) Qualifications of persons administering and interpreting the test results.
- (d) Methods of maintaining the confidentiality of test results.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**Administrative rules:** R 340.1101 et seq. of the Michigan Administrative Code.

### **380.1173-380.1174a Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to selection of social studies materials; guidelines pertaining to culture of ethnic, religious, and racial minorities, and to the contributions of women; and curriculum for multicultural education.

**Popular name:** Act 451

### **380.1175 Public holidays; salaries not affected; commemorative exercises.**

Sec. 1175. (1) January 1, New Year's day; the last Monday of May, Memorial or Decoration day; July 4; the first Monday in September, Labor day; the fourth Thursday of November, Thanksgiving day, and December 25, Christmas day, shall be public holidays in the public schools of this state. If 1 of these days falls on Sunday, the Monday following shall be a public holiday in the public schools. A school session shall not be held on the public holidays described in this subsection in a public school in this state. The salary of a school officer or a teacher shall not be affected by reason of the dismissal of school on the days described in this subsection.

(2) On the third Monday in January in conjunction with the federal holiday, Martin Luther King, Jr. day; February 12, Lincoln's birthday; the third Monday of February, Washington's birthday; September 17, the date of the adoption of the federal constitution; the second Monday in October, Columbus day; and November 11, Veteran's day, a school officer or teacher shall have each school under the officer's or teacher's control observe the day by a proper and appropriate commemorative exercise. A commemorative exercise may include or involve the assignment of schoolwork to teach the significance of the days described in this subsection, which shall not be considered as legal holidays for schools.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1984, Act 389, Eff. Mar. 29, 1985;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1176 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to adoption of certain act provisions by local district.

**Popular name:** Act 451

### **380.1177 Immunization statements; vision test; immunization status and vision report; rules.**

Sec. 1177. (1) A child enrolling in a public or nonpublic school for the first time or, beginning in the 2002-2003 school year, enrolling in grade 6 for the first time shall submit 1 of the following:

(a) A statement signed by a physician that the child has been tested for and immunized or protected against diseases specified by the director of the department of community health.

(b) A statement signed by a parent or guardian to the effect that the child has not been immunized because of religious convictions or other objection to immunization.

(c) A statement signed by a physician that certifies that the child is in the process of complying with all immunization requirements.

(2) In addition, the parent or guardian of each child enrolling in kindergarten for the first time shall submit a statement signed by a district, county, or city health department director stating that the child has been administered the department of community health preschool vision screening test, or signed by a licensed medical or osteopathic physician or a licensed optometrist stating that the child's eyes have been examined during the preschool years after age 3 and before initial entrance. A vision test is not required if there is a statement signed by a parent or guardian to the effect that the child cannot be submitted to the test because of religious convictions.

(3) Not later than November 1 of each year, the administrator of each school shall provide the director of the department of community health with the immunization status of each pupil in grades K through 12 who enrolled in the school for the first time, or, beginning in the 2002-2003 school year, enrolled in grade 6 in the school for the first time, between the immediately preceding January 1 and the immediately preceding September 30, as well as a vision report of each child entering kindergarten during that time period. This information shall be transmitted through the approved local full-time health department, if available, and shall be on forms provided by the director of community health or otherwise reported in a manner approved by the

director of the department of community health. Not later than February 1 of each year, the administrator of each school shall provide an update to the report due the previous November 1 to show the immunization status of each pupil in grades K through 12 who enrolled in the school for the first time, or, beginning in the 2002-2003 school year, enrolled in grade 6 in the school for the first time, during the calendar year ending the immediately preceding December 31. This information shall be transmitted in the same manner as the report due the previous November 1.

(4) The department of community health shall promulgate rules, including rules identifying the diseases specified under subsection (1)(a), for the implementation of this section.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1996, Act 399, Imd. Eff. Oct. 11, 1996;—Am. 2000, Act 91, Imd. Eff. May 1, 2000.

**Popular name:** Act 451

**Administrative rules:** R 325.3501 et seq. of the Michigan Administrative Code.

### **380.1177a Meningococcal meningitis; human papillomavirus; vaccines; information to be provided to parents and guardians.**

Sec. 1177a. (1) If, at the beginning of a school year, the board of a school district or board of directors of a public school academy provides information on immunizations, infectious disease, medications, or other school health issues to parents and guardians of pupils in at least grades 6, 9, and 12, then with that information the board or board of directors shall include information about meningococcal meningitis and the vaccine for meningococcal meningitis. The information shall include at least the causes and symptoms of meningococcal meningitis, how it is spread, and sources where parents and guardians may obtain additional information about meningococcal meningitis and may obtain vaccination of a child against meningococcal meningitis.

(2) If, at the beginning of a school year, the board of a school district or board of directors of a public school academy provides information on immunizations, infectious disease, medications, or other school health issues to parents and guardians of pupils in at least grades 6, 9, and 12, then with that information the board or board of directors shall include information about human papillomavirus and the vaccine for human papillomavirus. The information shall include at least the risks associated with human papillomavirus; the availability, effectiveness, and potential risks of immunization for human papillomavirus; and sources where parents and guardians may obtain additional information about human papillomavirus and may obtain vaccination of a child against human papillomavirus.

(3) The department, in cooperation with the department of community health, shall develop and make available to school districts, public school academies, and nonpublic schools information that meets the requirements of subsections (1) and (2). The department shall do this in the manner the department determines to be the most cost-effective and programmatically effective, which shall include at least posting the information on its website.

**History:** Add. 2005, Act 240, Imd. Eff. Nov. 22, 2005;—Am. 2008, Act 121, Imd. Eff. May 9, 2008.

**Popular name:** Act 451

### **380.1178 Administration of medication to pupil; liability; school employee as licensed registered professional nurse.**

Sec. 1178. (1) Subject to subsection (2), a school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life or health of the pupil, pursuant to written permission of the pupil's parent or guardian, and in compliance with the instructions of a physician, physician's assistant, or certified nurse practitioner is not liable in a criminal action or for civil damages as a result of an act or omission in the administration of the medication, except for an act or omission amounting to gross negligence or willful and wanton misconduct.

(2) If a school employee is a licensed registered professional nurse, subsection (1) applies to that school employee regardless of whether the medication is administered in the presence of another adult.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 431, Imd. Eff. Oct. 5, 1978;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 9, Imd. Eff. Mar. 7, 2000;—Am. 2006, Act 48, Imd. Eff. Mar. 9, 2006.

**Popular name:** Act 451

### **380.1178a Administration of medications; duties of department.**

Sec. 1178a. (1) Not later than October 1, 2002, the department shall do all of the following:

(a) Review all guidelines, policies, or other publications produced by the department or another state

agency concerning administration of medications to pupils at school and revise them as necessary.

(b) Make available to all school districts, intermediate school districts, and public school academies a model local policy concerning administration of medications to pupils at school.

(2) The model local policy developed under subsection (1) shall address the type and amount of training that may be required for persons who participate in administering medications to pupils at school. In developing this part of the policy, the department may consider training programs offered by the Michigan association of school nurses and by other public health organizations.

(3) Not later than 1 year after the effective date of this section, each school board, intermediate school board, and public school academy board of directors shall review its local policy concerning administration of medications to pupils at school. This review shall take place at a public meeting.

(4) School boards, intermediate school boards, and public school academy boards of directors are encouraged to align their local policies with the model policy developed under subsection (1) and are encouraged to provide appropriate training to persons who participate in administering medications to pupils at school.

**History:** Add. 2002, Act 51, Imd. Eff. Mar. 15, 2002.

**Popular name:** Act 451

### **380.1179 Use of inhaler permitted; conditions; liability; extra inhaler; notice to classroom teachers; definitions.**

Sec. 1179. (1) If the conditions prescribed in subsection (2) are met, notwithstanding any school or school district policy to the contrary, a pupil of a public school or nonpublic school may possess and use 1 or more of the following at school, on school-sponsored transportation, or at any activity, event, or program sponsored by or in which the pupil's school is participating:

(a) A metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms or for use before exercise to prevent the onset of asthmatic symptoms.

(b) An epinephrine auto-injector or epinephrine inhaler to treat anaphylaxis.

(2) Subsection (1) applies to a pupil if all of the following conditions are met:

(a) The pupil has written approval to possess and use the inhaler or epinephrine auto-injector as described in subsection (1) from the pupil's physician or other health care provider authorized by law to prescribe an inhaler or epinephrine auto-injector and, if the pupil is a minor, from the pupil's parent or legal guardian.

(b) The principal or other chief administrator of the pupil's school has received a copy of each written approval required under subdivision (a) for the pupil.

(c) There is on file at the pupil's school a written emergency care plan that contains specific instructions for the pupil's needs, that is prepared by a physician licensed in this state in collaboration with the pupil and the pupil's parent or legal guardian, and that is updated as necessary for changing circumstances.

(3) A school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a pupil being prohibited by an employee of the school or school district from using an inhaler or epinephrine auto-injector because of the employee's reasonable belief formed after a reasonable and ordinary inquiry that the conditions prescribed in subsection (2) had not been satisfied. A school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a pupil being permitted by an employee of the school or school district to use or possess an inhaler or epinephrine auto-injector because of the employee's reasonable belief formed after a reasonable and ordinary inquiry that the conditions prescribed in subsection (2) had been satisfied. This subsection does not eliminate, limit, or reduce any other immunity or defense that a school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school may have under section 1178 or other state law.

(4) As part of its general powers, a school district may request a pupil's parent or legal guardian to provide an extra inhaler or epinephrine auto-injector to designated school personnel for use in case of emergency. A parent or legal guardian is not required to provide an extra inhaler or epinephrine auto-injector to school personnel.

(5) A principal or other chief administrator who is aware that a pupil is in possession of an inhaler or epinephrine auto-injector pursuant to this section shall notify each of the pupil's classroom teachers of that fact and of the provisions of this section.

(6) As used in this section:

(a) "School board" includes a school board, intermediate school board, or the board of directors of a public

school academy.

(b) "School district" includes a school district, intermediate school district, or public school academy.

**History:** Add. 2000, Act 10, Imd. Eff. Mar. 7, 2000;—Am. 2004, Act 73, Imd. Eff. Apr. 20, 2004.

**Popular name:** Act 451

### **380.1186 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to homes for superintendent, administrators and teachers.

**Popular name:** Act 451

## **PART 16**

### **BOARDS OF EDUCATION; POWERS AND DUTIES GENERALLY**

#### **380.1201 Board; business to be conducted at public meetings; validity of board actions; closed sessions; legal meetings; notice of meetings; signing of minutes; vice-president to act in absence of president.**

Sec. 1201. (1) The business that the board of a school district is authorized to perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. An act of the board is not valid unless the act is authorized at a meeting by a majority vote of the members elected or appointed to and serving on the board and a proper record is made of the vote.

(2) The board may hold closed sessions only as authorized by section 8 of the open meetings act, 1976 PA 267, MCL 15.268.

(3) A meeting at which all members are present, with or without proper notice to members of the board, and for which proper notice is given to the public pursuant to subsection (4), is considered a legal meeting for the transaction of business.

(4) The board shall give public notice of the time, date, and place of the meeting in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(5) The minutes of each board meeting shall be signed by the secretary. In the absence of the secretary, the president shall appoint a temporary secretary who shall sign the minutes of the meeting. The vice-president shall act in the absence of the president.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2001, Act 27, Imd. Eff. June 22, 2001.

**Popular name:** Act 451

#### **380.1202 Record of proceedings, accounts, and business; public records; inspection.**

Sec. 1202. The board of a school district shall maintain records of the proceedings of the board, the accounts of the treasurer, and the business of the district in an orderly manner. The records of the board shall be public records subject to inspection under section 492 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.492 of the Michigan Compiled Laws.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1202a-380.1204 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to site-based decision making, financial reports, and audits.

**Popular name:** Act 451

#### **380.1204a Annual educational report.**

Sec. 1204a. (1) In addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of its schools to be accredited under section 1280, the board shall prepare and submit to the state board not later than September 1 each year, and shall provide that each school in the school district distributes to the public at an open meeting not later than October 15 each year, an annual educational report. The annual educational report shall include, but is not limited to, all of the following information for each public school in the school district:

(a) The accreditation status of each school within the school district, the process by which pupils are assigned to particular schools, and a description of each specialized school.

(b) The status of the 3- to 5-year school improvement plan as described in section 1277 for each school within the school district.

(c) A copy of the core academic curriculum and a description of its implementation, including how pupils are ensured enrollment in those courses or subjects necessary for them to receive adequate instruction in all of the core academic curriculum, and the variances and explanation for the variances from the model core



academic curriculum developed by the state board pursuant to section 1278(2).

(d) A report for each school of aggregate student achievement based upon the results of any locally-administered student competency tests, statewide assessment tests, or nationally normed achievement tests that were given to pupils attending school in the school district.

(e) For the year in which the report is filed and the previous school year, the district pupil retention report as defined in section 6 of the state school aid act of 1979, being section 388.1606 of the Michigan Compiled Laws.

(f) The number and percentage of parents, legal guardians, or persons in loco parentis with pupils enrolled in the school district who participate in parent-teacher conferences for pupils at the elementary, middle, and secondary school level, as appropriate.

(g) Beginning in the 1996-97 school year, if the school is a high school, all of the following:

(i) The number and percentage of pupils enrolled in the school who enrolled during the immediately preceding school year in 1 or more postsecondary courses under the postsecondary enrollment options act or under section 21b of the state school aid act of 1979, being section 388.1621b of the Michigan Compiled Laws.

(ii) The number of college level equivalent courses offered to pupils enrolled in the school, in the school district, and in consortia or cooperative programs available to pupils of the school district.

(iii) The number and percentage of pupils enrolled in the school who were enrolled in at least 1 college level equivalent course during the immediately preceding school year, disaggregated by grade level.

(iv) The number and percentage of pupils described in subparagraph (iii) who took a college level equivalent credit examination.

(v) The number and percentage of pupils described in subparagraph (iv) who achieved a score on a college level equivalent credit examination that is at or above the level recommended by the testing service for college credit.

(h) A comparison with the immediately preceding school year of the information required by subdivisions (a) through (g).

(2) At least annually, the department shall prepare and submit to the legislature a report of the information described in subsection (1)(g), aggregated for statewide and intermediate school district totals, using the information submitted by school districts.

(3) The state board shall prepare and make available to school districts suggestions for accumulating the information listed in subsection (1) and a model annual educational report for school districts to consider in the implementation of this section.

(4) As used in this section, "college level equivalent course" and "college level equivalent credit examination" mean those terms as defined in part 14a.

**History:** Add. 1989, Act 159, Eff. Mar. 13, 1990;—Am. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1996, Act 159, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1204b Repealed. 1990, Act 25, Eff. Apr. 13, 1990.**

**Compiler's note:** The repealed section pertained to annual reports.

**Popular name:** Act 451

### **380.1205 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to administration of oaths.

**Popular name:** Act 451

### **380.1206 Conduct of elections under MCL 168.301 to 168.315.**

Sec. 1206. (1) The Michigan election law governs election procedures for a school district, local act school district, or intermediate school district regular school election or special school election.

(2) A school district, local act school district, or intermediate school district regular school election or special school election shall be administered and conducted as provided in chapter XIV of the Michigan election law, MCL 168.301 to 168.315. A school district, local act school district, or intermediate school district may use general operating funds to reimburse units of local government involved in administering and conducting a regular school election or special school election for the school district, local act school district, or intermediate school district, as required under the Michigan election law.

**History:** Add. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

### **380.1210 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to receipt of property for scholarships or other educational purposes.

**Popular name:** Act 451

\*\*\*\*\* 380.1211 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2010 REGULAR SESSION SINE DIE: See 380.1211.amended \*\*\*\*\*

### **380.1211 Mills levied for school operating purposes; limitation; reduction of mills from which homestead, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property are exempt; effect of insufficient mills allowed to be levied under subsection (1); additional mills; number of mills school district may levy after 1994; exemption of commercial personal property; approval by school electors; excess tax revenue; shortfall; allocation under property tax limitation act; definitions.**

Sec. 1211. (1) Except as otherwise provided in this section and section 1211c, the board of a school district shall levy not more than 18 mills for school operating purposes or the number of mills levied in 1993 for school operating purposes, whichever is less. A principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property are exempt from the mills levied under this subsection except for the number of mills by which that exemption is reduced under this subsection. The board of a school district that had a foundation allowance calculated under section 20 of the state school aid act of 1979, MCL 388.1620, for the 1994-95 state fiscal year of more than \$6,500.00, may reduce the number of mills from which a principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property are exempted under this subsection by up to the number of mills, as certified under section 1211a, required to be levied on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995, and the board also may levy in 1994 or a succeeding year that number of mills for school operating purposes on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property.

(2) Subject to subsection (3), if the department of treasury determines that the maximum number of mills allowed to be levied under subsection (1) on all classes of property was not sufficient for a school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for that school fiscal year, the board of the school district may levy in 1994 or a succeeding year additional mills uniformly on all property up to the number of mills required for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995. However, the board of a school district described in this subsection, by board resolution, may elect to exempt each principal residence and all qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property located in the school district from some or all of the mills that the board is authorized to levy under this subsection.

(3) After 1994, the number of mills a school district may levy under this section on any class of property shall not exceed the lesser of the number of mills the school district was certified by the department of treasury under section 1211a to levy on that class of property under this section in 1994 or the number of mills required to be levied on that class of property under this section to ensure that the increase from the immediately preceding state fiscal year in the school district's combined state and local revenue per membership pupil, calculated as if the school district had levied the maximum number of mills the school district was allowed to levy under this section regardless of the number of mills the school district actually levied, does not exceed the lesser of the dollar amount of the increase in the basic foundation allowance under section 20 of the state school aid act of 1979, MCL 388.1620, from the immediately preceding state fiscal year or the percentage increase in the general price level in the immediately preceding calendar year. If the number of mills a school district is allowed to levy under this section in a year after 1994 is less than the number of mills the school district was allowed to levy under this section in the immediately preceding year, any reduction required by this subsection in the school district's millage rate shall be calculated by first reducing the number of mills the school district is allowed to levy under subsection (2) and then increasing the number of mills from which a principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property are exempted under subsection (1).

(4) Commercial personal property is exempt from 12 of the mills levied under this section. However, if the

number of mills from which industrial personal property is exempted for a specific school district is reduced under this section, then the number of mills from which commercial personal property is exempted for that school district shall be reduced by that same number of mills.

(5) Millage levied under this section must be approved by the school electors. For the purposes of this section, millage approved by the school electors before January 1, 1994 for which the authorization has not expired is considered to be approved by the school electors.

(6) If a school district levies millage for school operating purposes that is in excess of the limits of this section, the amount of the resulting excess tax revenue shall be deducted from the school district's next regular tax levy.

(7) If a school district levies millage for school operating purposes that is less than the limits of this section, the board of the school district may levy at the school district's next regular tax levy an additional number of mills not to exceed the additional millage needed to make up the shortfall.

(8) A school district shall not levy mills allocated under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a, other than mills allocated to a school district of the first class for payment to a public library commission under section 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211, after 1993.

(9) As used in this section:

(a) "Combined state and local revenue per membership pupil" means that term as defined in section 20 of the state school aid act of 1979, MCL 388.1620.

(b) "Commercial personal property" means property classified as commercial personal property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(c) "Foundation allowance" means a school district's foundation allowance as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(d) "General price level" means that term as defined in section 33 of article IX of the state constitution of 1963.

(e) "Industrial personal property" means property classified as industrial personal property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(f) "Membership" means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

(g) "Owner", "person", "principal residence", and "qualified agricultural property" mean those terms as defined in section 7dd of the general property tax act, 1893 PA 206, MCL 211.7dd.

(h) "Qualified forest property" means that term as defined in section 7jj of the general property tax act, 1893 PA 206, MCL 211.7jj[1].

(i) "School operating purposes" includes expenditures for furniture and equipment, for alterations necessary to maintain school facilities in a safe and sanitary condition, for funding the cost of energy conservation improvements in school facilities, for deficiencies in operating expenses for the preceding year, and for paying the operating allowance due from the school district to a joint high school district in which the school district is a participating school district under former part 3a. Taxes levied for school operating purposes do not include any of the following:

(i) Taxes levied by a school district for operating a community college under part 25.

(ii) Taxes levied under section 1212.

(iii) Taxes levied under section 1356 for eliminating an operating deficit.

(iv) Taxes levied for operation of a library under section 1451 or for operation of a library established pursuant to 1913 PA 261, MCL 397.261 to 397.262, that were not included in the operating millage reported by the district to the department as of April 1, 1993. However, a district may report to the department not later than April 1, 1994 the number of mills it levied in 1993 for a purpose described in this subparagraph that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

(v) Taxes paid by a school district of the first class to a public library commission pursuant to section 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211.

(vi) Taxes levied under former section 1512 for operation of a community swimming pool. In addition, if a school district included the millage it levied in 1993 for operation of a community swimming pool as part of its operating millage reported to the department for 1993, the school district may report to the department not later than June 17, 1994 the number of mills it levied in 1993 for operation of a community swimming pool that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

(j) "Supportive housing property" means real property certified as supportive housing property under chapter 3B of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1459 to

125.1459b.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 431, Imd. Eff. Dec. 29, 1982;—Am. 1991, Act 108, Imd. Eff. Oct. 9, 1991;—Am. 1992, Act 236, Imd. Eff. Oct. 22, 1992;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 136, Imd. Eff. May 24, 1994;—Am. 1994, Act 173, Imd. Eff. June 17, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 126, Eff. Jan. 1, 2004;—Am. 2006, Act 380, Imd. Eff. Sept. 27, 2006;—Am. 2006, Act 648, Imd. Eff. Jan. 5, 2007;—Am. 2007, Act 37, Imd. Eff. July 12, 2007;—Am. 2008, Act 455, Imd. Eff. Jan. 9, 2009.

**Compiler's note:** Enacting section 1 of Act 37 of 2007 provides:

"Enacting section 1. This amendatory act applies to taxes levied after December 31, 2007."

**Popular name:** Act 451

\*\*\*\*\* 380.1211.amended *THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2010 REGULAR SESSION SINE DIE* \*\*\*\*\*

**380.1211.amended Mills levied for school operating purposes; limitation; reduction of mills from which homestead, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property are exempt; effect of insufficient mills allowed to be levied under subsection (1); additional mills; number of mills school district may levy after 1994; exemption of commercial personal property; approval by school electors; excess tax revenue; shortfall; allocation under property tax limitation act; reducing number of mills; definitions.**

Sec. 1211. (1) Except as otherwise provided in this section and section 1211c, the board of a school district shall levy not more than 18 mills for school operating purposes or the number of mills levied in 1993 for school operating purposes, whichever is less. A principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property are exempt from the mills levied under this subsection except for the number of mills by which that exemption is reduced under this subsection. Except as otherwise provided in subsection (9), the board of a school district that had a foundation allowance for the 1994-95 state fiscal year greater than \$6,500.00 may reduce the number of mills from which a principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property are exempted under this subsection by up to the number of mills, as certified under section 1211a, required to be levied on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995, and the board also may levy in 1994 or a succeeding year that number of mills for school operating purposes on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property.

(2) Subject to subsection (3), if the department of treasury determines that the maximum number of mills allowed to be levied under subsection (1) on all classes of property was not sufficient for a school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for that school fiscal year, the board of the school district may levy in 1994 or a succeeding year additional mills uniformly on all property up to the number of mills required for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995. However, the board of a school district described in this subsection, by board resolution, may elect to exempt each principal residence and all qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property located in the school district from some or all of the mills that the board is authorized to levy under this subsection.

(3) After 1994, the number of mills a school district may levy under this section on any class of property shall not exceed the lesser of the number of mills the school district was certified by the department of treasury under section 1211a to levy on that class of property under this section in 1994 or the number of mills required to be levied on that class of property under this section to ensure that the increase from the immediately preceding state fiscal year in the school district's combined state and local revenue per membership pupil, calculated as if the school district had levied the maximum number of mills the school district was allowed to levy under this section regardless of the number of mills the school district actually levied, does not exceed the lesser of the dollar amount of the increase in the basic foundation allowance under section 20 of the state school aid act of 1979, MCL 388.1620, from the immediately preceding state fiscal year or the percentage increase in the general price level in the immediately preceding calendar year. If the number of mills a school district is allowed to levy under this section in a year after 1994 is less than the

number of mills the school district was allowed to levy under this section in the immediately preceding year, any reduction required by this subsection in the school district's millage rate shall be calculated by first reducing the number of mills the school district is allowed to levy under subsection (2) and then increasing the number of mills from which a principal residence, qualified agricultural property, qualified forest property, supportive housing property, and industrial personal property are exempted under subsection (1).

(4) Commercial personal property is exempt from 12 of the mills levied under this section. However, if the number of mills from which industrial personal property is exempted for a specific school district is reduced under this section, then the number of mills from which commercial personal property is exempted for that school district shall be reduced by that same number of mills.

(5) Millage levied under this section must be approved by the school electors. For the purposes of this section, millage approved by the school electors before January 1, 1994 for which the authorization has not expired is considered to be approved by the school electors.

(6) If a school district levies millage for school operating purposes that is in excess of the limits of this section, the amount of the resulting excess tax revenue shall be deducted from the school district's next regular tax levy.

(7) If a school district levies millage for school operating purposes that is less than the limits of this section, the board of the school district may levy at the school district's next regular tax levy an additional number of mills not to exceed the additional millage needed to make up the shortfall.

(8) A school district shall not levy mills allocated under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a, other than mills allocated to a school district of the first class for payment to a public library commission under section 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211, after 1993.

(9) Beginning with taxes levied for 2011, if a school district had a foundation allowance for the 1994-95 state fiscal year greater than \$6,500.00 and if the school district's foundation allowance for the 2009-2010 state fiscal year was less than the basic foundation allowance prescribed for the 2009-2010 state fiscal year under section 20 of the state school aid act of 1979, MCL 388.1620, the school district may not reduce the number of mills from which certain classes of property are exempted from the levy of millage under subsection (1) and may not levy that number of mills on those classes of property as would otherwise be allowed under subsection (1).

(10) As used in this section:

(a) "Combined state and local revenue per membership pupil" means that term as defined in section 20 of the state school aid act of 1979, MCL 388.1620.

(b) "Commercial personal property" means property classified as commercial personal property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(c) "Foundation allowance" means a school district's foundation allowance as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(d) "General price level" means that term as defined in section 33 of article IX of the state constitution of 1963.

(e) "Industrial personal property" means property classified as industrial personal property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(f) "Membership" means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

(g) "Owner", "person", "principal residence", and "qualified agricultural property" mean those terms as defined in section 7dd of the general property tax act, 1893 PA 206, MCL 211.7dd.

(h) "Qualified forest property" means that term as defined in section 7jj of the general property tax act, 1893 PA 206, MCL 211.7jj[1].

(i) "School operating purposes" includes expenditures for furniture and equipment, for alterations necessary to maintain school facilities in a safe and sanitary condition, for funding the cost of energy conservation improvements in school facilities, for deficiencies in operating expenses for the preceding year, and for paying the operating allowance due from the school district to a joint high school district in which the school district is a participating school district under former part 3a. Taxes levied for school operating purposes do not include any of the following:

(i) Taxes levied by a school district for operating a community college under part 25.

(ii) Taxes levied under section 1212.

(iii) Taxes levied under section 1356 for eliminating an operating deficit.

(iv) Taxes levied for operation of a library under section 1451 or for operation of a library established pursuant to 1913 PA 261, MCL 397.261 to 397.262, that were not included in the operating millage reported by the district to the department as of April 1, 1993. However, a district may report to the department not later



than April 1, 1994 the number of mills it levied in 1993 for a purpose described in this subparagraph that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

(v) Taxes paid by a school district of the first class to a public library commission pursuant to section 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211.

(vi) Taxes levied under former section 1512 for operation of a community swimming pool. In addition, if a school district included the millage it levied in 1993 for operation of a community swimming pool as part of its operating millage reported to the department for 1993, the school district may report to the department not later than June 17, 1994 the number of mills it levied in 1993 for operation of a community swimming pool that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

(j) "Supportive housing property" means real property certified as supportive housing property under chapter 3B of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1459 to 125.1459b.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 431, Imd. Eff. Dec. 29, 1982;—Am. 1991, Act 108, Imd. Eff. Oct. 9, 1991;—Am. 1992, Act 236, Imd. Eff. Oct. 22, 1992;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 136, Imd. Eff. May 24, 1994;—Am. 1994, Act 173, Imd. Eff. June 17, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 126, Eff. Jan. 1, 2004;—Am. 2006, Act 380, Imd. Eff. Sept. 27, 2006;—Am. 2006, Act 648, Imd. Eff. Jan. 5, 2007;—Am. 2007, Act 37, Imd. Eff. July 12, 2007;—Am. 2008, Act 455, Imd. Eff. Jan. 9, 2009;—Am. 2010, Act 216, Eff. (sine die).

**Compiler's note:** Enacting section 1 of Act 37 of 2007 provides:

"Enacting section 1. This amendatory act applies to taxes levied after December 31, 2007."

**Popular name:** Act 451

### **380.1211a Certifications by department of treasury; appeal of determinations; appeal conference; final decision.**

Sec. 1211a. Not later than June 20, 1994, the department of treasury shall certify each school district's combined state and local revenue per membership pupil, as defined in section 1211, for the school fiscal year ending in 1994, the number of mills the school district may levy beginning in 1994 under section 1211, and the number of mills by which the school district may reduce the exemption for a homestead and qualified agricultural property for 1994 under section 1211. The department of education shall provide to the department of treasury all information necessary for the department of treasury to make the certifications under this section. Not later than July 20, 1994, a school district may appeal the determinations made by the department of treasury for the district under this section. An appeal under this subsection shall be made to the superintendent of public instruction, who may assign the appeal to a hearing officer. The superintendent of public instruction shall offer any appealing school district an appeal conference to attempt to resolve the issues raised in the appeal without a hearing. If the appeal conference does not resolve the issues, the superintendent of public instruction or hearing officer may conduct a hearing. Based upon the appeal, the information submitted by the school district, and the information provided by the department of treasury, the hearing officer shall submit a proposed decision to the superintendent of public instruction either affirming the determinations made by the department of treasury or directing the department of treasury to make specific adjustments. Not later than 30 days after receiving the proposed decision, or not later than 30 days after hearing the appeal, the superintendent of public instruction shall issue a final decision either affirming the determinations made by the department of treasury or directing the department of treasury to make specific adjustments and provide a copy to the school district.

**History:** Add. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994.

**Popular name:** Act 451

### **380.1211b Repealed. 1994, Act 258, Imd. Eff. July 5, 1994.**

**Compiler's note:** The repealed section pertained to establishment of school district as charter authority.

**Popular name:** Act 451

### **380.1211c Additional mills; limitation; presentation to school electors as separate questions; school district not described in MCL 388.1620.**

Sec. 1211c. For 1994 through 1996, a school district may levy, in addition to the millage authorized under section 1211, not more than 3 additional mills for enhancing operating revenue if approved by the school electors at an election held after 1993. The question of levying mills authorized under this section shall be presented to school electors as a separate question and identified as being for enhancement of operating revenue. A school district that is not a school district described in section 20(12) or (13) of the state school aid

act of 1979, being section 388.1620 of the Michigan Compiled Laws, shall not levy any millage under this section that was approved by the school electors after September 30, 1994, unless the school district levies, for the same tax year, the maximum number of mills under section 1211 that does not exceed the limitations imposed by section 1211(3).

**History:** Add. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 1994, Act 344, Imd. Eff. Dec. 12, 1994.

**Popular name:** Act 451

### **380.1211d Repealed. 2003, Act 126, Eff. Jan. 1, 2004.**

**Compiler's note:** The repealed section pertained to definitions.

**Popular name:** Act 451

### **380.1211e Affidavit claiming exemption on qualified agricultural property; filing.**

Sec. 1211e. (1) Subject to subsection (2), to claim an exemption under section 1211(1) for qualified agricultural property for the 1994 tax year, if an affidavit claiming an exemption on a principal residence was not filed for the property by May 1, 1994, an affidavit claiming the exemption on qualified agricultural property shall be filed with the local assessing unit by June 1, 1994. If property is qualified agricultural property and is classified as agricultural property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, that property is exempt and an affidavit claiming the exemption does not need to be filed.

(2) If there are provisions in the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, that are inconsistent with subsection (1), the provisions of the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, prevail.

**History:** Add. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 126, Eff. Jan. 1, 2004.

**Popular name:** Act 451

### **380.1212 Sinking fund; creation; purpose; tax levy; audit; submission of proposition to school electors; election; ballot; approval.**

Sec. 1212. (1) If approved by the school electors of the school district, the board of a school district may levy a tax of not to exceed 5 mills on the state equalized valuation of the school district each year for a period of not to exceed 20 years, for the purpose of creating a sinking fund to be used for the purchase of real estate for sites for, and the construction or repair of, school buildings. The sinking fund tax levy is subject to the 15 mill tax limitation provisions of section 6 of article IX of the state constitution of 1963 and the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a. A school district that levies a sinking fund tax under this section shall have an independent audit of its sinking fund conducted annually, including a review of the uses of the sinking fund, and shall submit the audit report to the department of treasury. If the department of treasury determines from the audit report that the sinking fund has been used for a purpose other than those authorized for the sinking fund under this section, the school district shall repay the misused funds to the sinking fund from the school district's operating funds and shall not levy a sinking fund tax under this section after the date the department of treasury makes that determination.

(2) The proposition of levying a sinking fund tax shall be submitted to the school electors of the school district at a regular or special school election.

(3) The question of levying taxes for the purpose of creating a sinking fund shall be by ballot in substantially the following form:

"Shall \_\_\_\_\_ levy \_\_\_\_\_ mills  
(legal name of school district)  
to create a sinking fund for the purpose of \_\_\_\_\_

\_\_\_\_\_ for a period of \_\_\_\_\_ years?

Yes ( )

No ( )".

(4) For the purposes of this section, millage approved by the school electors before December 1, 1993 for which the authorization has not expired is considered to be approved by the school electors.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

### **380.1213 Filing certified copy of resolution certifying taxes to be levied; time.**

Sec. 1213. The secretary of the board of a school district shall file a certified copy of a resolution of the board certifying the taxes to be levied on the taxable property within the district as approved by the school electors of the district or the board with each city and township clerk in which the school district is situated

according to the following:

- (a) Not later than September 30 of each year.
- (b) Within 10 days after the annual meeting if held in September.
- (c) Not later than 5 days after the election if taxes are authorized at an election held pursuant to section 36(2) or (3) of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1979, Act 75, Imd. Eff. July 31, 1979;—Am. 1986, Act 263, Imd. Eff. Dec. 9, 1986.

**Popular name:** Act 451

### **380.1214 Additional millage; authorization by resolution; levy, collection, and enforcement procedure; proceedings as to first debt retirement fund tax; proceedings as to separate tax rate limitations.**

Sec. 1214. (1) If the school electors of a school district vote the authorization of a tax rate in addition to that allocated to the district under the property tax limitation act, Act No. 62 of the Public Acts of 1933, as amended, being sections 211.201 to 211.217a of the Michigan Compiled Laws, before September 30 in any year, or for any school district on or before the last day permitted for an election held pursuant to section 36(2) or (3) of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws, then the board, by resolution, may authorize the additional millage so voted to be levied and collected, in the year voted, with the county taxes. The levy, collection, and enforcement procedure for the additional tax shall be pursuant to the laws in effect for the levy, collection, and enforcement procedure of county taxes against property lying within the boundaries of the school district.

(2) The same proceedings may be taken for the levy, collection, and enforcement procedure of the first debt retirement fund tax when a bond issue is approved by the school electors before September 30 in any year. However, if a bond issue is approved after September 14, 1986 and before September 30, 1986, the levy, collection, and enforcement procedure of the first debt retirement fund tax shall not be taken unless, within 10 days after the effective date of this 1986 amendatory act, the secretary of the board of the school district files a certified copy of the resolution of the board certifying the taxes to be levied with the clerk of each city and township in which the school district is located.

(3) The same proceedings may be taken for the levy, collection, and enforcement of an additional tax rate if the electors of a county adopt separate tax rate limitations pursuant to sections 5a to 5m of Act No. 62 of the Public Acts of 1933, as amended, being sections 211.205a to 211.205m of the Michigan Compiled Laws, giving a school district a higher tax rate than the maximum tax rate determined by the county tax allocation board, and the separate limitation is adopted after June 1 and effective for taxes levied during that calendar year.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1979, Act 75, Imd. Eff. July 31, 1979;—Am. 1980, Act 267, Imd. Eff. Sept. 30, 1980;—Am. 1986, Act 263, Imd. Eff. Dec. 9, 1986.

**Popular name:** Act 451

### **380.1215 Accounting for moneys; fund designations.**

Sec. 1215. (1) Operating taxes shall be accounted for under the title of “general fund”. The state board may establish other fund designations to clarify further the expenditure classifications for which general fund moneys may be used.

(2) Library money shall be accounted for under the title of “library fund”.

(3) Building and site money shall be accounted for under the title of “building and site fund”.

(4) Taxes collected for retiring bonded indebtedness shall be accounted for as required by the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 63, Imd. Eff. Mar. 15, 2002.

**Popular name:** Act 451

### **380.1216 Use of money raised by tax.**

Sec. 1216. Except as provided in the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, money raised by tax shall not be used for a purpose other than that for which it was raised without the consent of a majority of the school electors of the district voting on the question at a regular or special school election.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 473, Imd. Eff. Oct. 19, 1978;—Am. 1991, Act 108, Imd. Eff. Oct. 9, 1991;—Am. 1992, Act 236, Imd. Eff. Oct. 22, 1992;—Am. 2002, Act 64, Imd. Eff. Mar. 15, 2002;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

### **380.1217 Support and maintenance of sectarian schools prohibited; transportation of nonpublic school pupils.**

Sec. 1217. A board of a school district or board of directors of a public school academy shall not apply money received by it from any source for the support and maintenance of a school sectarian in character. This section does not prohibit the transportation to school and from school of pupils attending nonpublic schools under sections 1321 and 1322.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

Popular name: Act 451

### **380.1217a Purchase, rental, or lease of cars for board members or for chauffeurs for board members prohibited.**

Sec. 1217a. For travel within the boundaries of its district, a board of a school district or intermediate school district shall not expend funds received by the district from any source for the purchase, rental, or lease of cars for board members or for chauffeurs for board members.

**History:** Add. 1988, Act 257, Imd. Eff. July 15, 1988.

Popular name: Act 451

### **380.1218 Assessment, levy, and collection of school taxes; budgets; provisions governing school districts.**

Sec. 1218. (1) School taxes shall be assessed, levied, and collected in the manner provided in Act No. 206 of the Public Acts of 1893, as amended, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

(2) Budgets shall be submitted and school districts shall be governed by Act No. 62 of the Public Acts of 1933, as amended.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

### **380.1221 Deposit of district or academy funds; designation of financial institution; limitation on deposit or investment of additional funds; “deposit” and “financial institution” defined.**

Sec. 1221. (1) The treasurer of a board of a school district or board of directors of a public school academy shall deposit the funds of the school district or public school academy in a financial institution or in a joint investment authorized by section 1223. The deposit shall be made in the name of the treasurer as an officer of the school district or public school academy. The board or board of directors shall designate the financial institution or institutions in which the funds of the school district or public school academy shall be deposited. The treasurer shall deposit funds of the school district or public school academy in 1 or more depositories in the proportion and manner determined by the board or board of directors.

(2) Notwithstanding subsection (1), additional funds of a school district or public school academy shall not be deposited or invested in a financial institution that is not eligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(3) As used in this section, “deposit” includes purchases of or investment in shares of a credit union.

(4) As used in this section, “financial institution” means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1979, Act 87, Imd. Eff. Aug. 1, 1979;—Am. 1986, Act 132, Imd. Eff. June 16, 1986;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1997, Act 47, Imd. Eff. June 30, 1997.

Popular name: Act 451

### **380.1222 Deposit of district funds; limitation.**

Sec. 1222. A bank whose combined capital and surplus exceeds \$50,000.00 may receive deposits of funds in an amount not more than double the combined capital and unimpaired surplus of the bank.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

### **380.1223 Investment of funds; authorization; restrictions; deposit of obligations; commingling prohibited; exceptions; earnings; deposit of funds accumulated under deferred compensation program; security; limitation on deposit or investment of**

**additional funds; “deposit” and “financial institution” defined.**

Sec. 1223. (1) If authorized by resolution of the board of a school district, the treasurer may invest debt retirement funds, building and site funds, building and site sinking funds, or general funds of the district. The investment shall be made under subsection (7) and shall be restricted to the following:

(a) Bonds, bills, or notes of the United States; obligations, the principal and interest of which are fully guaranteed by the United States; or obligations of the state. In a primary or fourth class school district, the bonds, bills, or notes shall be payable, at the option of the holder, upon not more than 90 days' notice, or if not so payable, shall have maturity dates not more than 5 years after the purchase dates.

(b) Certificates of deposit issued by a financial institution or share certificates of a state or federal credit union that is a financial institution.

(c) Commercial paper rated prime at the time of purchase and maturing not more than 270 days after the date of purchase.

(d) Securities issued or guaranteed by agencies or instrumentalities of the United States government.

(e) United States government or federal agency obligation repurchase agreements.

(f) Bankers' acceptances issued by a bank that is a member of the federal deposit insurance corporation.

(g) Mutual funds composed entirely of investment vehicles that are legal for direct investment by a school district.

(h) Investment pools, as authorized by the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed entirely of instruments that are legal for direct investment by a school district.

(i) Certificates of deposit issued in accordance with the following conditions:

(i) The funds are initially invested through a financial institution that is not ineligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(ii) The financial institution arranges for the investment of the funds in certificates of deposit in 1 or more insured depository institutions, as defined in 12 USC 1813, or 1 or more insured credit unions, as defined in 12 USC 1752, for the account of the school district.

(iii) The full amount of the principal and any accrued interest of each certificate of deposit is insured by an agency of the United States.

(iv) The financial institution acts as custodian for the school district with respect to each certificate of deposit.

(v) At the same time that the funds of the school district are deposited and the certificate or certificates of deposit are issued, the financial institution receives an amount of deposits from customers of other insured depository institutions or insured credit unions equal to or greater than the amount of the funds initially invested by the school district through the financial institution.

(2) An obligation purchased under this section, when received by the treasurer, shall be deposited with the financial institution having the deposit of the money of the particular fund from which the obligation was purchased.

(3) Money in the several funds of a school district shall not be commingled for the purpose of making an investment authorized by this section except that:

(a) The board of a school district may establish and maintain 1 common debt retirement fund for issues of bonds of similar character.

(b) The board of a school district, by resolution, may authorize the treasurer to combine money from more than 1 fund for the purpose of making an investment authorized by subsection (1)(h).

(4) Earnings of an investment shall become a part of the fund for which the investment was made. When money of more than 1 fund of a single district or money of more than 1 district are combined for an investment pool authorized by subsection (1)(h), the money shall be accounted for separately, and the earnings from the investment shall be separately and individually computed, recorded, and credited to the fund or district, as the case may be, for which the investment was acquired.

(5) The treasurer of a school district, if authorized by resolution of the board, may deposit upon approval of the employee, funds accumulated under a deferred compensation program in a federally insured financial institution authorized by law to do business in this state. If authorized by a resolution of the board, the treasurer of a school district, with the prior consent of the employee, may use funds accumulated under a deferred compensation plan to purchase from a life insurance company authorized to do business in this state an annuity contract or life insurance policy in the manner and for the purposes described in section 457 of the internal revenue code.

(6) Security in the form of collateral, surety bond, or another form may be taken for the deposits or investments of a school district in a financial institution. However, an investment under section 622(2)(e) or subsection (1)(e) or in an investment pool that includes instruments eligible for investments under section



622(2)(e) or subsection (1)(e) shall be secured by the transfer of title and custody of the obligations to which the repurchase agreements relate and an undivided interest in those obligations must be pledged to the school district for these agreements.

(7) Notwithstanding subsection (1), additional funds of a school district shall not be deposited or invested in a financial institution that is not eligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(8) As used in this section, "deposit" includes purchase of or investment in shares of a credit union.

(9) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 281, Imd. Eff. Dec. 23, 1977;—Am. 1979, Act 87, Imd. Eff. Aug. 1, 1979;—Am. 1980, Act 273, Imd. Eff. Oct. 8, 1980;—Am. 1981, Act 85, Imd. Eff. July 2, 1981;—Am. 1986, Act 132, Imd. Eff. June 16, 1986;—Am. 1997, Act 47, Imd. Eff. June 30, 1997;—Am. 2008, Act 307, Imd. Eff. Dec. 18, 2008;—Am. 2009, Act 22, Imd. Eff. May 5, 2009.

**Popular name:** Act 451

### **380.1224 Tax-deferred investments for employees; purchase; payroll allocations; ownership; rights nonforfeitable; liability for purchase; nondiscriminatory application of section; "tax-deferred investment" defined.**

Sec. 1224. (1) At the request of an employee and as part of the employee's compensation arrangement, the board of a school district may purchase a tax-deferred investment for an employee for retirement or other purposes and may make payroll allocations in accordance with the arrangement to pay for the tax-deferred investment. The allocation shall be made in a manner which will qualify all or part of the tax-deferred investment for the benefit afforded under the federal internal revenue code or other federal income tax law. The employee shall own the tax-deferred investment. The employee's rights under it shall be nonforfeitable except for failure to make required payments.

(2) The board shall not have liability because of its purchase of tax-deferred investments for employees.

(3) This section shall be applied in a nondiscriminatory manner to employees of the school district.

(4) As used in this section, "tax-deferred investment" means an annuity contract, interest in a mutual fund, or other investment device that qualifies for deferral of federal income taxes under the federal internal revenue code or other federal income tax law.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 19, Imd. Eff. Mar. 19, 1992.

**Popular name:** Act 451

### **380.1225 Power of board to borrow money and issue notes; purpose; pledging money to be received from state school aid; notes as full faith and credit obligations; due date; limitation; school district not able to redeem notes within 372 days of issuance; multi-year repayment agreement; notes issued for next succeeding fiscal year; maturity; failure to receive state school aid; number of borrowings; obtaining line of credit.**

Sec. 1225. (1) Subject to restrictions of this section, the board of a local or intermediate school district may borrow money and issue its notes for the borrowed money to secure funds for school operations or to pay previous loans obtained for school operations under this or any other statute. The school board or intermediate school board shall pledge money to be received by it from state school aid for the payment of notes issued under this section. The notes are full faith and credit obligations of the school district or intermediate school district and are payable from tax levies or from unencumbered funds of the school district or intermediate school district in event of the unavailability or insufficiency of state school aid for any reason.

(2) Notes issued under this section shall become due not later than 372 days after the date on which they are issued, except as provided in this section. Notes issued within a fiscal year shall not exceed 70% of the difference between the total state aid funds apportioned to the school district or intermediate school district for that fiscal year and the portion already received or pledged, except secondary pledges made under section 1356.

(3) A school district or intermediate school district that is not able to redeem its notes within 372 days after the date on which the notes were issued may enter into a multi-year agreement with a lending institution to repay its obligation. A repayment agreement shall not be executed without the prior approval of an authorized representative of the state board or, for notes sold to the Michigan municipal bond authority only, without the approval of an authorized representative of the department of treasury.

(4) During the last 4 months of a fiscal year, notes may be issued pledging state school aid for the next

succeeding fiscal year. Except as otherwise provided in this subsection, the notes shall not exceed 50% of the state school aid apportioned to the school district or intermediate school district for the next succeeding fiscal year or, if the apportionment has not been made, 50% of the apportionment for the then current fiscal year. The notes shall mature not later than 372 days after the date of issuance.

(5) Notes issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. Failure of a school district or intermediate school district to receive state school aid does not affect the validity or enforceability of a note issued under this section.

(6) A school board or intermediate school board may make more than 1 borrowing under this section during a school year.

(7) In addition to other powers under this section, with the approval of the state treasurer, the board of a local or intermediate school district may obtain a line of credit to secure funds for school operations or to pay previous loans obtained for school operations under this or any other statute. The school board or intermediate school board shall pledge not more than 30% of the state school aid apportioned to the school district or intermediate school district for that fiscal year for repayment of funds received pursuant to a line of credit obtained under this subsection. However, the school board or intermediate school board shall not borrow against the line of credit an amount greater than the difference, as of the date of the borrowing, between the total state school aid funds apportioned to the school district or intermediate school district for that fiscal year and the portion already received or pledged, except secondary pledges made under section 1356. To obtain approval for obtaining a line of credit under this subsection, a school board or intermediate school board shall apply to the state treasurer in the form and manner prescribed by the state treasurer, and shall provide information as requested by the state treasurer for evaluating the application. The state treasurer shall approve or disapprove an application and notify the school board or intermediate school board within 20 business days after receiving a proper application. If the state treasurer disapproves an application, the state treasurer shall include the reasons for disapproval in the notification to the school board or intermediate school board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1980, Act 88, Imd. Eff. Apr. 8, 1980;—Am. 1981, Act 42, Imd. Eff. May 13, 1981;—Am. 1981, Act 226, Imd. Eff. Jan. 7, 1982;—Am. 1982, Act 306, Imd. Eff. Oct. 13, 1982;—Am. 1992, Act 14, Imd. Eff. Mar. 10, 1992;—Am. 1994, Act 103, Imd. Eff. Apr. 18, 1994;—Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997;—Am. 2002, Act 246, Eff. May 1, 2002;—Am. 2006, Act 285, Imd. Eff. July 10, 2006.

**Compiler's note:** For creation of Michigan public educational facilities authority within department of treasury; transfer of certain powers and duties from Michigan strategic fund and Michigan strategic fund board of directors to Michigan public educational facilities authority and Michigan public educational facilities authority board of trustees; transfer of certain powers and duties of Michigan municipal bond authority and Michigan municipal bond authority board of trustees to Michigan public and educational facilities authority and Michigan public education facilities authority board of trustees, see E.R.O. No. 2002-3, compiled at MCL 12.192 of the Michigan Compiled Laws.

**Popular name:** Act 451

### **380.1226 Statement of assessed valuation of school district.**

Sec. 1226. Each county treasurer shall furnish the state board on or before May 1 following the receipt of the assessment rolls a statement of the assessed valuation of each school district and fraction of a school district within the county upon forms furnished by the state board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1227 Estimates of necessary taxes; insurance reserve funds; adoption of budget; apportionment of school taxes.**

Sec. 1227. (1) The board of a school district shall prepare annual estimates of the amount of taxes necessary for the school district's needs for the ensuing fiscal year. The estimates shall specify the amount required for the "general fund", the amount required for the "capital projects fund", and the amount required for the "debt retirement fund", in accordance with the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and outstanding bonding resolutions.

(2) The school board may include in the "capital projects fund" an amount not exceeding in 1 year .01% of the school district's taxable value to establish and maintain a school district insurance reserve fund from which school buildings or other school property damaged or destroyed by fire, lightning, or otherwise may be repaired, rebuilt, or replaced by other buildings or property to be used in its place. Taxes shall not be levied for this purpose while the insurance reserve fund exceeds or equals .1% of the school district's taxable value. The board shall carry the insurance reserves forward as an encumbered reserve and may add to the reserve in the manner prescribed in this section. Insurance reserve funds may be invested in the manner provided in section 1223. Income from the investment shall be considered a part of the "general fund". If an emergency is declared by a 2/3 vote of the members elected to and serving on the board, the insurance reserve funds may be

borrowed for the emergency, but the funds shall be returned to the insurance reserve fund from the collection of taxes in the next ensuing fiscal year.

(3) The school board shall adopt a budget in the same manner and form as required for its estimates and, subject to limitations under law, determine the amount of tax levy necessary for the budget. The board shall certify the amount to the city and township before the date required by law.

(4) The proper officials of the city and township shall apportion the school taxes in the school district in the same manner as the other taxes of the city or township are apportioned. Except as otherwise provided under part 26, the amount apportioned shall be assessed, levied, collected, and returned for each portion of the school district in the same manner as taxes of the city or township in which the portion of the school district is located.

**History:** Add. 1995, Act 289, Eff. July 1, 1996;—Am. 2002, Act 66, Imd. Eff. Mar. 15, 2002.

**Popular name:** Act 451

### **380.1228 Contract between school or intermediate district and public school academy to provide services.**

Sec. 1228. The board of a school district or intermediate school district may enter into an agreement with a public school academy to provide services to the public school academy or to pupils of the public school academy, or for the public school academy to provide services to the school district or intermediate school district or to pupils of the school district or intermediate school district. The services may be provided on a cooperative basis. A school district or intermediate school district may charge the public school academy, or a public school academy may charge the school district or intermediate school district, for services described in this section.

**History:** Add. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1229 Employment of superintendent and administrators; notification of contract nonrenewal; meeting with board.**

Sec. 1229. (1) The board of a school district, other than a school district that was organized as a primary school district during the 1995-1996 school year, or intermediate school district shall employ a superintendent of schools, who shall meet the requirements of section 1246. The superintendent shall not be a member of the board. Employment of a superintendent shall be by written contract. The term of the superintendent's contract shall be fixed by the board, not to exceed 5 years. If written notice of nonrenewal of the contract of a superintendent is not given at least 90 days before the termination of the contract, the contract is renewed for an additional 1-year period.

(2) The board of a school district or intermediate school district may employ assistant superintendents, principals, assistant principals, guidance directors, and other administrators who do not assume tenure in that position under Act No. 4 of the Public Acts of the Extra Session of 1937, being sections 38.71 to 38.191 of the Michigan Compiled Laws. The employment shall be by written contract. The term of the employment contract shall be fixed by the board, not to exceed 3 years. The board shall prescribe the duties of a person described in this subsection. If written notice of nonrenewal of the contract of a person described in this subsection is not given at least 60 days before the termination date of the contract, the contract is renewed for an additional 1-year period.

(3) A notification of nonrenewal of contract of a person described in subsection (2) may be given only for a reason that is not arbitrary or capricious. The board shall not issue a notice of nonrenewal under this section unless the affected person has been provided with not less than 30 days' advance notice that the board is considering the nonrenewal together with a written statement of the reasons the board is considering the nonrenewal. After the issuance of the written statement, but before the nonrenewal statement is issued, the affected person shall be given the opportunity to meet with not less than a majority of the board to discuss the reasons stated in the written statement. The meeting shall be open to the public or a closed session, as the affected person elects under section 8 of the open meetings act, Act No. 267 of the Public Acts of 1976, being section 15.268 of the Michigan Compiled Laws. If the board fails to provide for a meeting with the board, or if a court finds that the reason for nonrenewal is arbitrary or capricious, the affected person's contract is renewed for an additional 1-year period. This subsection does not apply to the nonrenewal of the contract of a superintendent of schools described in subsection (1).

**History:** Add. 1995, Act 289, Eff. Mar. 28, 1996.

**Popular name:** Act 451

### **380.1229a Removal of person as superintendent of public instruction; settlement prohibited;**

Rendered Friday, January 14, 2011

Page 41 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

**limitations.**

Sec. 1229a. (1) If a person employed by this state as superintendent of public instruction is removed from that position, the state board, or another state agency, shall not enter into a settlement agreement concerning that removal unless the agreement is in settlement of a lawsuit filed against this state.

(2) The state board shall not grant administrative leave for more than a total of 6 months to a person employed, or previously employed, as state superintendent of public instruction.

(3) The state board shall not offer a contract for a person to be employed by this state as superintendent of public instruction, or extend the contract of a superintendent of public instruction, within 6 months before a general election at which state board members are elected or within 2 months after a general election at which state board members are elected. The state board shall not offer a contract for employment of a superintendent of public instruction in excess of 3 years and shall not extend a contract in increments of more than 1 year. This subsection does not prohibit the state board from employing an interim superintendent of public instruction at any time there is a vacancy.

**History:** Add. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

**380.1230 Offer of full-time, part-time, or contract employment; criminal history check; employment as conditional employee; conditions; voiding contract and terminating employment; position as substitute teacher or substitute bus drivers; report received by another district; consent; request; conducting criminal history check; report; disclosure of conviction of listed offense or felony; verification; use; disclosure; violation as misdemeanor; penalty; exception; verification information; definitions.**

Sec. 1230. (1) Except as otherwise provided in this section, upon an offer of initial employment being made by the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school to an individual for any full-time or part-time employment or when school officials learn that an individual is being assigned to regularly and continuously work under contract in any of its schools, the district, public school academy, or nonpublic school shall request from the criminal records division of the department of state police a criminal history check on the individual and, before employing the individual as a regular employee or allowing the individual to regularly and continuously work under contract in any of its schools, shall have received from the department of state police the report described in subsection (8).

(2) If the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to hire an individual or to allow an individual to regularly and continuously work under contract for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee or conditionally allow the individual to regularly and continuously work under contract under this subsection without first receiving the report described in subsection (8) if all of the following apply:

(a) The board or governing body requests the criminal history check required under subsection (1) before conditionally employing the individual or conditionally allowing the individual to regularly and continuously work under contract in any of its schools.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the report described in subsection (8) is not the same as the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the report described in subsection (8) is not the same as the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher or substitute bus driver, or for an individual who regularly and continuously works under contract in more than 1 school district, intermediate school district, public school academy, or nonpublic school, if the applicant or individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal history check with another

district, public school academy, or nonpublic school, then instead of requesting a criminal history check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use a report received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the applicant or individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant or individual.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the report described in subsection (8) with another district, public school academy, or nonpublic school, a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the report described in subsection (8) from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal history check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the criminal records division of the department of state police for a criminal history check required under this section on a form and in a manner prescribed by the criminal records division of the department of state police.

(8) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check on an individual under this section, the criminal records division of the department of state police shall conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual maintained by the criminal records division of the department of state police. A school district, intermediate school district, public school academy, or nonpublic school that receives a report from the department of state police under this subsection shall retain that report in the individual's employment records.

(9) If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8), or a report received under section 1230a, 1230d(7), 1535a(15), or 1539b(15), discloses that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8), or a report received under section 1230a, 1230d(7), 1535a(15), or 1539b(15), discloses that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the governing board or governing body, if any, of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing. If a school district, intermediate school district, public school academy, or nonpublic school receives results described in this subsection, within 60 days after receiving those results the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic school. The department shall maintain a copy of this report for at least 6 years.

(10) Criminal history record information received from the criminal records division of the department of state police under subsection (8) shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), (5), and (12). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose the report or its contents received under this section, except a misdemeanor conviction involving sexual or physical abuse or any felony conviction, to any person who is not directly involved in evaluating the applicant's qualifications for employment or assignment. However, for the purposes of subsections (4) and (5), a person described in this subsection may confirm to an employee of



another district, public school academy, or nonpublic school that a report under subsection (8) has revealed that an individual does not have any criminal history or may disclose that no report under subsection (8) has been received concerning the individual, and for the purposes of subsections (4), (5), and (12), a person described in this subsection may provide a copy of the report under subsection (8) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. For an individual who is regularly and continuously working under contract, if the individual agrees in writing, a district, public school academy, or nonpublic school may provide a copy of the results received under this section concerning the individual to an appropriate representative of the individual's employer. A representative of the individual's employer who receives a copy of a report, or receives results of a report from another source as authorized by this subsection, shall not disclose the report or its contents or the results of the report to any person outside of the employer's business or to any of the employer's personnel who are not directly involved in evaluating the individual's qualifications for employment or assignment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804. As used in this subsection, "misdemeanor conviction involving sexual or physical abuse" includes, but is not limited to, a misdemeanor conviction for a listed offense; a misdemeanor conviction for violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a; a misdemeanor conviction for violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701; a misdemeanor conviction for violation of section 81, 81a, 81c, 90c, 136b, 141a, 145, 145d, 145n, 233, 335a, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.81c, 750.90c, 750.136b, 750.141a, 750.145, 750.145d, 750.145n, 750.233, 750.335a, and 750.411h; a misdemeanor conviction of section 6 of 1979 PA 53, MCL 752.796; or a misdemeanor conviction for violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(11) Subject to subsection (12), if the criminal history check required under this section has been completed for a particular individual and the results reported to a school district, intermediate school district, public school academy, or nonpublic school as provided under this section, then another criminal history check is not required under this section for that individual as long as the individual remains employed with no separation from service by any school district, intermediate school district, public school academy, or nonpublic school in this state or remains regularly and continuously working under contract with no separation from service for the same employer in any school district, intermediate school district, public school academy, or nonpublic school in this state. For the purposes of this subsection, an employee is not considered to have a separation from service in any of the following circumstances:

(a) The employee is laid off or placed on a leave of absence by his or her employer and returns to active employment with the same employer within 1 year after being laid off or placed on the leave of absence.

(b) The employee transfers to another school district, intermediate school district, public school academy, or nonpublic school and remains continuously employed by any school district, intermediate school district, public school academy, or nonpublic school in this state.

(12) If an individual described in subsection (11) is an applicant for employment in a different school district, intermediate school district, public school academy, or nonpublic school than the one that originally received the results of the criminal history check or that currently is in possession of the results of the criminal history check, or is being assigned to regularly and continuously work under contract in a different school district, intermediate school district, public school academy, or nonpublic school than the one that originally received the results of the criminal history check or that currently is in possession of the results of the criminal history check, then all of the following apply:

(a) If the results of the individual's criminal history check have not already been forwarded to the new school district, intermediate school district, public school academy, or nonpublic school, the new school district, intermediate school district, public school academy, or nonpublic school shall request the school district, intermediate school district, public school academy, or nonpublic school that has the results to forward them to the new school district, intermediate school district, public school academy, or nonpublic school. Upon receipt of such a request, a school district, intermediate school district, public school academy, or nonpublic school that has the results shall forward them to the requesting school district, intermediate school district, public school academy, or nonpublic school.

(b) If the results of the individual's criminal history check are not received by the new school district, intermediate school district, public school academy, or nonpublic school under this subsection or otherwise, then this section applies to the individual to the same extent as if he or she has had a separation from service.

(c) If the results of the individual's criminal history check are received by the new school district, intermediate school district, public school academy, or nonpublic school under this subsection or otherwise, then that school district, intermediate school district, public school academy, or nonpublic school shall

perform a criminal history check on that individual using the department of state police's internet criminal history access tool (ICHAT), ensuring that this criminal history check is based on the personal identifying information, including at least the individual's name, sex, and date of birth, that was associated with the results received from the previous school district, intermediate school district, public school academy, or nonpublic school.

(d) If the search of the department of state police's ICHAT under subdivision (c) reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT under subdivision (c) reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body, if any, of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(13) Subsection (1) does not apply to an individual who is being employed by or assigned to regularly and continuously work under contract in a school of a school district, intermediate school district, public school academy, or nonpublic school if the individual is not more than 19 years of age and is enrolled as a general education pupil of a school district, intermediate school district, public school academy, or nonpublic school or is not more than 26 years of age and is enrolled in special education programs or services in a school district, intermediate school district, public school academy, or nonpublic school. However, before employing the individual or assigning the individual to regularly and continuously work under contract in a school, the school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that person using the department of state police's internet criminal history access tool (ICHAT). If a search of the department of state police's ICHAT reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body, if any, of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(14) For the purposes of subsections (9) and (13), the department shall make available to school districts, intermediate school districts, public school academies, and nonpublic schools information on how to verify a conviction using public records.

(15) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.

(c) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1.

(d) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(e) "Regularly and continuously work under contract" means any of the following:

(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a

school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(f) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

**History:** Add. 1992, Act 99, Imd. Eff. June 23, 1992;—Am. 1993, Act 68, Imd. Eff. June 21, 1993;—Am. 1993, Act 284, Eff. Apr. 1, 1994;—Am. 2005, Act 129, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006;—Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007;—Am. 2008, Act 583, Imd. Eff. Jan. 16, 2009.

**Popular name:** Act 451

**380.1230a Criminal records check through federal bureau of investigation; employment as conditional employee; voiding contract and terminating employment; application as substitute teacher or substitute bus drivers; obtaining copy of results from another district, public school academy, or nonpublic school; consent; form and manner of request; use and disclosure of results; violation as misdemeanor; penalty; definition; initiation of criminal records check by department of state police; disclosure that individual convicted of listed offense or other felony; verification; exception; verification information; definitions.**

Sec. 1230a. (1) In addition to the criminal history check required under section 1230, the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school shall request the department of state police to conduct a criminal records check through the federal bureau of investigation on an applicant for, or an individual who is hired for, any full-time or part-time employment or who is assigned to regularly and continuously work under contract in any of its schools. Except as otherwise provided in this section, a board or governing body shall not employ an individual or allow an individual to regularly and continuously work under contract in any of its schools until after the board or governing body receives the results of the criminal records check. A board or governing body requesting a criminal records check under this section shall require the individual to submit his or her fingerprints to the department of state police for that purpose. The department of state police may charge a fee for conducting the criminal records check. Subject to section 1230g, a board or governing body shall require an individual to submit his or her fingerprints for the purposes of this section only at the time the individual initially applies for employment with the board or governing body or is initially employed by the board or governing body or is initially assigned to regularly and continuously work under contract in any of its schools.

(2) If the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to hire an individual or to allow an individual to regularly and continuously work under contract for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee or conditionally allow the individual to regularly and continuously work under contract under this subsection without first receiving the results of the criminal records check under subsection (1) if all of the following apply:

(a) The board or governing body requests the criminal records check under subsection (1) before conditionally employing the individual or conditionally allowing the individual to regularly and continuously work under contract in any of its schools.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher or substitute bus driver, or for an individual who

regularly and continuously works under contract in more than 1 school district, intermediate school district, public school academy, or nonpublic school, if the applicant or individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal records check with another district, public school academy, or nonpublic school, then instead of requesting a criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the applicant or individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant or individual.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal records check from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal records check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for a criminal records check under this section on a form and in a manner prescribed by the department of state police.

(8) The results of a criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), (5), and (12). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results received under this section, except a misdemeanor conviction involving sexual or physical abuse or any felony conviction, to any person who is not directly involved in evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (4), (5), and (12) a person described in this subsection may provide a copy of the results received under this section concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. For an individual who is regularly and continuously working under contract, if the individual agrees in writing, a district, public school academy, or nonpublic school may provide a copy of the results received under this section concerning the individual to an appropriate representative of the individual's employer. A representative of the individual's employer who receives a copy of the results, or receives the results from another source as authorized by this subsection, shall not disclose the results to any person outside of the employer's business or to any of the employer's personnel who are not directly involved in evaluating the individual's qualifications for employment or assignment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804. As used in this subsection, "misdemeanor conviction involving sexual or physical abuse" includes, but is not limited to, a misdemeanor conviction for a listed offense; a misdemeanor conviction for violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a; a misdemeanor conviction for violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701; a misdemeanor conviction for violation of section 81, 81a, 81c, 90c, 136b, 141a, 145, 145d, 145n, 233, 335a, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.81c, 750.90c, 750.136b, 750.141a, 750.145, 750.145d, 750.145n, 750.233, 750.335a, and 750.411h; a misdemeanor conviction of section 6 of 1979 PA 53, MCL 752.796; or a misdemeanor conviction for violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(9) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal records check on an individual under this section, the criminal records division of the department of state police shall initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, public school academy, or nonpublic school, the criminal records division of the department of state police shall provide the results of the criminal records check to the district, public school academy, or nonpublic school. A school district, intermediate school district, public school academy, or nonpublic school that receives results from the department of state police under this subsection shall retain those results in the individual's employment records.

(10) If the results received by a school district, intermediate school district, public school academy, or



nonpublic school under subsection (9), or a report received under section 1230, 1230d(7), 1535a(15), or 1539b(15), disclose that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (9), or a report received under section 1230, 1230d(7), 1535a(15), or 1539b(15), disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the governing board or governing body, if any, of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing. If a school district, intermediate school district, public school academy, or nonpublic school receives results described in this subsection, within 60 days after receiving those results the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic school. The department shall maintain a copy of this report for at least 6 years.

(11) Subject to subsection (12), if the criminal records check required under this section has been completed for a particular individual and the results reported to a school district, intermediate school district, public school academy, or nonpublic school as provided under this section, then another criminal records check is not required under this section for that individual as long as the individual remains employed with no separation from service by any school district, intermediate school district, public school academy, or nonpublic school in this state or remains regularly and continuously working under contract with no separation from service for the same employer in any school district, intermediate school district, public school academy, or nonpublic school in this state. For the purposes of this subsection, an employee is not considered to have a separation from service in any of the following circumstances:

(a) The employee is laid off or placed on a leave of absence by his or her employer and returns to active employment with the same employer within 1 year after being laid off or placed on the leave of absence.

(b) The employee transfers to another school district, intermediate school district, public school academy, or nonpublic school and remains continuously employed by any school district, intermediate school district, public school academy, or nonpublic school in this state.

(12) If an individual described in subsection (11) is an applicant for employment in a different school district, intermediate school district, public school academy, or nonpublic school than the one that originally received the results of the criminal records check or that currently is in possession of the results of the criminal records check, or is being assigned to regularly and continuously work under contract in a different school district, intermediate school district, public school academy, or nonpublic school than the one that originally received the results of the criminal records check or that currently is in possession of the results of the criminal records check, then all of the following apply:

(a) If the results of the individual's criminal records check have not already been forwarded to the new school district, intermediate school district, public school academy, or nonpublic school, the new school district, intermediate school district, public school academy, or nonpublic school shall request the school district, intermediate school district, public school academy, or nonpublic school that has the results to forward them to the new school district, intermediate school district, public school academy, or nonpublic school. Upon receipt of such a request, a school district, intermediate school district, public school academy, or nonpublic school that has the results shall forward them to the requesting school district, intermediate school district, public school academy, or nonpublic school.

(b) If the results of the individual's criminal records check are not received by the new school district, intermediate school district, public school academy, or nonpublic school under this subsection or otherwise, then this section applies to the individual to the same extent as if he or she has had a separation from service.

(13) Subsection (1) does not apply to an individual who is being employed by or assigned to regularly and continuously work under contract in a school of a school district, intermediate school district, public school academy, or nonpublic school if the individual is not more than 19 years of age and is enrolled as a general education pupil of a school district, intermediate school district, public school academy, or nonpublic school or is not more than 26 years of age and is enrolled in special education programs or services in a school district, intermediate school district, public school academy, or nonpublic school. However, before employing



the individual or assigning the individual to regularly and continuously work under contract in a school, the school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that person using the department of state police's internet criminal history access tool (ICHAT). If a search of the department of state police's ICHAT reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(14) For the purposes of subsections (10) and (13), the department shall make available to school districts, intermediate school districts, public school academies, and nonpublic schools information on how to verify a conviction using public records.

(15) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1.

(c) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(d) "Regularly and continuously work under contract" means any of the following:

(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(e) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

**History:** Add. 1995, Act 83, Eff. Aug. 1, 1995;—Am. 2005, Act 138, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006;—Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007;—Am. 2008, Act 583, Imd. Eff. Jan. 16, 2009.

**Popular name:** Act 451

**380.1230b Applicant for employment; information regarding unprofessional conduct to be provided by previous employer; signed statement authorizing disclosure; request; immunity from civil liability; prohibition; use of information; violation of subsection (5) as misdemeanor; effect of contract or agreement; other information; definitions.**

Sec. 1230b. (1) Before hiring an applicant for employment, a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall request the applicant for employment to sign a statement that does both of the following:

(a) Authorizes the applicant's current or former employer or employers to disclose to the school district, local act school district, public school academy, intermediate school district, or nonpublic school any unprofessional conduct by the applicant and to make available to the school district, local act school district, public school academy, intermediate school district, or nonpublic school copies of all documents in the employee's personnel record maintained by the current or former employer relating to that unprofessional conduct.

(b) Releases the current or former employer, and employees acting on behalf of the current or former employer, from any liability for providing information described in subdivision (a), as provided in subsection (3), and waives any written notice required under section 6 of the Bullard-Plawecki employee right to know

act, Act No. 397 of the Public Acts of 1978, being section 423.506 of the Michigan Compiled Laws.

(2) Before hiring an applicant for employment, a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall request at least the applicant's current employer or, if the applicant is not currently employed, the applicant's immediately previous employer to provide the information described in subsection (1)(a), if any. The request shall include a copy of the statement signed by the applicant under subsection (1).

(3) Not later than 20 business days after receiving a request under subsection (2), an employer shall provide the information requested and make available to the requesting school district, local act school district, public school academy, intermediate school district, or nonpublic school copies of all documents in the employee's personnel record relating to the unprofessional conduct. An employer, or an employee acting on behalf of the employer, that discloses information under this section in good faith is immune from civil liability for the disclosure. An employer, or an employee acting on behalf of the employer, is presumed to be acting in good faith at the time of a disclosure under this section unless a preponderance of the evidence establishes 1 or more of the following:

- (a) That the employer, or employee, knew the information disclosed was false or misleading.
- (b) That the employer, or employee, disclosed the information with a reckless disregard for the truth.
- (c) That the disclosure was specifically prohibited by a state or federal statute.

(4) The board or governing body of a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not hire an applicant who does not sign the statement described in subsection (1).

(5) Information received under this section shall be used by a school district, local act school district, public school academy, intermediate school district, or nonpublic school only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(6) The board or an official of a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not enter into a collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement that has the effect of suppressing information about unprofessional conduct of an employee or former employee or of expunging information about that unprofessional conduct from personnel records. Any provision of a contract or agreement that is contrary to this subsection is void and unenforceable. This subsection does not restrict the expungement from a personnel file of information about alleged unprofessional conduct that has not been substantiated.

(7) This section does not prevent a school district, local act school district, public school academy, intermediate school district, or nonpublic school from requesting or requiring an applicant for employment to provide information other than that described in this section.

(8) As used in this section:

(a) "Personnel record" means that term as defined in section 1 of Act No. 397 of the Public Acts of 1978, being section 423.501 of the Michigan Compiled Laws.

(b) "Unprofessional conduct" means 1 or more acts of misconduct; 1 or more acts of immorality, moral turpitude, or inappropriate behavior involving a minor; or commission of a crime involving a minor. A criminal conviction is not an essential element of determining whether or not a particular act constitutes unprofessional conduct.

**History:** Add. 1996, Act 189, Imd. Eff. May 8, 1996.

**Popular name:** Act 451

### **380.1230c Notice of conviction of listed offense; report to department; employment prohibited; definitions.**

Sec. 1230c. (1) If a school official of a school district, intermediate school district, public school academy, or nonpublic school has notice from an authoritative source that an individual has been convicted of a listed offense, the board of the school district or intermediate school district, board of directors of the public school academy, or governing board of the nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ that individual in any capacity or allow that person to regularly and continuously work under contract in any of its schools. If a school district, intermediate school district, public school academy, or nonpublic school receives notice

described in this subsection, within 60 days after receiving that notice the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information received and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic school. The department shall maintain a copy of this report for at least 6 years.

(2) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(c) "Regularly and continuously work under contract" means any of the following:

(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(d) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

**History:** Add. 2005, Act 129, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006;—Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007.

**Popular name:** Act 451

**380.1230d Employee or applicant for employment of school district, intermediate school district, public school academy, or nonpublic school charged with crime; requirements; violation of subsection (1) or (2); person not convicted of crime; forwarding of form; development and implementation of automated program; report; definitions.**

Sec. 1230d. (1) If a person who is employed in any capacity by a school district, intermediate school district, public school academy, or nonpublic school; who has applied for a position with a school district, intermediate school district, public school academy, or nonpublic school and has had an initial criminal history check under section 1230 or criminal records check under section 1230a; or who is regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school, is charged with a crime listed in section 1535a(1) or 1539b(1) or a violation of a substantially similar law of another state, a political subdivision of this state or another state, or of the United States, the person shall report to the department and to the school district, intermediate school district, public school academy, or nonpublic school that he or she has been charged with the crime. All of the following apply to this reporting requirement:

(a) The person shall make the report on a form prescribed by the department.

(b) The person shall submit the report to the department and to the superintendent of the school district or intermediate school district or chief administrator of the public school academy or nonpublic school.

(c) The person shall submit the report within 3 business days after being arraigned for the crime.

(2) If a person who is employed in any capacity by or is regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school enters a plea of guilt or no contest to or is the subject of a finding of guilt by a judge or jury of any crime after having been initially charged with a crime described in section 1535a(1) or 1539b(1), then the person immediately shall disclose to the court, on a form prescribed by the state court administrative office, that he or she is employed by or regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school. The person shall immediately provide a copy of the form to the prosecuting attorney in charge of the case, to the superintendent of public instruction, and to the superintendent or chief administrator of the school district, intermediate school district, public school academy, or nonpublic school.

(3) A person who violates subsection (1) or (2) is guilty of a crime, as follows:

(a) If the person violates either subsection (1) or (2) and the crime involved in the violation is a misdemeanor that is a listed offense or is a felony, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(b) If the person violates either subsection (1) or (2) and the crime involved in the violation is a

misdemeanor that is not a listed offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(4) A person who violates subsection (1) or (2) may be discharged from his or her employment or have his or her contract terminated. If the board of a school district or intermediate school district or board of directors of a public school academy finds, after providing notice and the opportunity for a hearing, that a person employed by the school district, intermediate school district, or public school academy has violated subsection (1) or (2), the board or board of directors may discharge the person from his or her employment. However, if a collective bargaining agreement that applies to the affected person is in effect as of January 1, 2006, and if that collective bargaining agreement is not in compliance with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

(5) If a person submits a report that he or she has been charged with a crime, as required under subsection (1), and the person is subsequently not convicted of any crime after the completion of judicial proceedings resulting from that charge, then the person may request the department and the school district, intermediate school district, public school academy, or nonpublic school to delete the report from its records concerning the person. Upon receipt of the request from the person and of documentation verifying that the person was not convicted of any crime after the completion of judicial proceedings resulting from that charge, the department or a school district, intermediate school district, public school academy, or nonpublic school shall delete the report from its records concerning the person.

(6) If the prosecuting attorney in charge of a case receives a form as provided under subsection (2), the prosecuting attorney shall notify the superintendent of public instruction and the superintendent or chief administrator of any school district, intermediate school district, public school academy, or nonpublic school in which the person is employed by forwarding a copy of the form to each of them not later than 7 days after receiving the form. If the court receives a form as provided under subsection (2), the court shall notify the superintendent of public instruction and the superintendent or chief administrator of any school district, intermediate school district, public school academy, or nonpublic school in which the person is employed by forwarding to each of them a copy of the form and information regarding the sentence imposed on the person not later than 7 days after the date of sentencing, even if the court is maintaining the file as a nonpublic record.

(7) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of registered educational personnel, and of any other list maintained by the department of individuals employed or regularly and continuously working under contract in a school, with the conviction information received by the department of state police. This comparison shall only include individuals who are actually school employees at the time of the comparison or who are regularly and continuously working under contract at the time of the comparison. Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before transmitting the information under this subsection to the department. The department shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a school district, intermediate school district, public school academy, or nonpublic school of a conviction. If a comparison discloses that a person on the department's list of registered educational personnel has been convicted of a crime, or if the department is otherwise notified by the department of state police that such a person has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

(8) If a school district, intermediate school district, public school academy, or nonpublic school receives a report under this section of a conviction, within 60 days after receiving the report the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information received and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic school. The department shall maintain a copy of this report for at least 6 years.

(9) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927

PA 175, MCL 761.1.

(c) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(d) "Regularly and continuously work under contract" means any of the following:

(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(e) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

**History:** Add. 2005, Act 131, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006;—Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007.

**Popular name:** Act 451

### **380.1230e List of registered educational personnel; definitions.**

Sec. 1230e. (1) Not later than January 1, 2007, the department shall include in its list of registered educational personnel all individuals who are employed by a school district, intermediate school district, public school academy, or nonpublic school and all individuals who are assigned to regularly and continuously work under contract in a school operated by a school district, intermediate school district, public school academy, or nonpublic school.

(2) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Regularly and continuously work under contract" means any of the following:

(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(c) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

**History:** Add. 2006, Act 680, Imd. Eff. Jan. 10, 2007.

**Compiler's note:** Act 451

### **380.1230f Fingerprints submitted under MCL 380.1230a and 380.1230g; maintenance in AFIS database.**

Sec. 1230f. The department of information technology shall work with the department of state police to establish a system for the department of state police to save and maintain in its automated fingerprint identification system (AFIS) database all fingerprints that are submitted to the department of state police under sections 1230a and 1230g. If a criminal arrest fingerprint card is subsequently submitted to the department of state police and matches against a fingerprint that was submitted under section 1230a or 1230g and stored in the AFIS database, the department of state police shall notify the department.

**History:** Add. 2005, Act 130, Eff. Jan. 1, 2006.

**Popular name:** Act 451

### **380.1230g Individual employed or working under contract; criminal history check or records check; use of results received by another district; consent; request; use of results for limited purpose; "misdemeanor conviction involving sexual or physical abuse" defined; duties of department of state police; verification; disclosure of conviction for listed offense or other felony; exception; definitions.**

Sec. 1230g. (1) Not later than July 1, 2008, the board of a school district or intermediate school district, the



board of directors of a public school academy, or the governing body of a nonpublic school shall do both of the following for each individual who, as of December 1, 2005, is either a full-time or part-time employee of the school district, intermediate school district, public school academy, or nonpublic school or is assigned to regularly and continuously work under contract in any of its schools and who either is still a full-time or part-time employee of the school district, intermediate school district, public school academy, or nonpublic school on the date that the criminal history and criminal records checks under this section are initiated or is still assigned to regularly and continuously work under contract in any of its schools on the date that the criminal history and criminal records checks under this section are initiated:

(a) Request from the criminal records division of the department of state police a criminal history check on the individual.

(b) Request the department of state police to conduct a criminal records check on the individual through the federal bureau of investigation. The board, board of directors, or governing board shall require the individual to submit his or her fingerprints to the department of state police for the purposes of this subdivision. The department of state police may charge a fee for conducting the criminal records check.

(2) For an individual employed or regularly and continuously working under contract as a substitute teacher or substitute bus driver, if the individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal history check or criminal records check with another district, public school academy, or nonpublic school, then instead of requesting a criminal history check and criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school to confirm that the individual does not have any criminal history. Alternatively, a school district, intermediate school district, public school academy, or nonpublic school may use results maintained by the department to confirm that the individual does not have any criminal history. If confirmation is not available from any of these sources, subsection (1) applies to the individual.

(3) If an individual described in subsection (1) is employed by or regularly and continuously working under contract in more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal history check or criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal history check or criminal records check from another district, public school academy, or nonpublic school.

(4) An individual described in subsection (1) shall give written consent for the criminal records division of the department of state police to conduct the criminal history check and criminal records check required under this section and shall submit his or her fingerprints to the department of state police for the purposes of the criminal records check. If an individual does not comply with this subsection or otherwise fails to cooperate with a school district, intermediate school district, public school academy, or nonpublic school that is seeking to comply with subsection (1) concerning the individual, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity and shall not allow the individual to regularly and continuously work under contract in any of its schools.

(5) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for the criminal history check and criminal records check under this section on a form and in a manner prescribed by the department of state police.

(6) The results of a criminal history check and criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in his or her position and for the purposes of subsections (2) and (3). A member of the board of a school district or intermediate school district, of the board of directors of a public school academy, or of the governing body of a nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results received under this section, except a misdemeanor conviction involving sexual or physical abuse or any felony conviction, to any person who is not directly involved in evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (2) and (3), a person described in this subsection may provide a copy of the results received under this section concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. For an individual who is regularly and continuously working under contract, if the individual agrees in writing, a district, public school academy, or nonpublic school may provide a copy of the results received under this section concerning the individual to an appropriate representative of the individual's employer. A representative of the individual's employer who receives a copy of the results, or receives the results from another source as authorized by this subsection, shall not disclose the results to any person outside of the employer's business or

to any of the employer's personnel who are not directly involved in evaluating the individual's qualifications for employment or assignment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804. As used in this subsection, "misdemeanor conviction involving sexual or physical abuse" includes, but is not limited to, a misdemeanor conviction for a listed offense; a misdemeanor conviction for violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a; a misdemeanor conviction for violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701; a misdemeanor conviction for violation of section 81, 81a, 81c, 90c, 136b, 141a, 145, 145d, 145n, 233, 335a, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.81c, 750.90c, 750.136b, 750.141a, 750.145, 750.145d, 750.145n, 750.233, 750.335a, and 750.411h; a misdemeanor conviction of section 6 of 1979 PA 53, MCL 752.796; or a misdemeanor conviction for violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(7) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check and criminal records check on an individual under this section, the criminal records division of the department of state police shall do both of the following:

(a) Conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual that is maintained by the criminal records division of the department of state police. A school district, intermediate school district, public school academy, or nonpublic school that receives a report from the department of state police under this subdivision shall retain that report in the individual's employment records.

(b) Initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, public school academy, or nonpublic school, the criminal records division of the department of state police shall provide the results of the criminal records check to the district, public school academy, or nonpublic school. A school district, intermediate school district, public school academy, or nonpublic school that receives results from the department of state police under this subdivision shall retain those results in the individual's employment records.

(8) If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7), or a report received under section 1230a, 1230d(7), 1535a(15), or 1539b(15), disclose that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7), or a report received under section 1230a, 1230d(7), 1535a(15), or 1539b(15), disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the governing board or governing body, if any, of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing. If a school district, intermediate school district, public school academy, or nonpublic school receives results described in this subsection, within 60 days after receiving those results the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information received and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic school. The department shall maintain a copy of this report for at least 6 years.

(9) If the criminal history check and criminal records check required under this section have been completed for a particular individual and the results reported to a school district, intermediate school district, public school academy, or nonpublic school as provided under this section, then another criminal history check or criminal records check is not required under this section for that individual as long as the individual remains employed with no separation from service by any school district, intermediate school district, public school academy, or nonpublic school in this state or remains regularly and continuously working under contract with no separation from service for the same employer in any school district, intermediate school district, public school academy, or nonpublic school in this state. For the purposes of this subsection, an

employee is not considered to have a separation from service in any of the following circumstances:

(a) The employee is laid off or placed on a leave of absence by his or her employer and returns to active employment with the same employer within 1 year after being laid off or placed on the leave of absence.

(b) The employee transfers to another school district, intermediate school district, public school academy, or nonpublic school and remains continuously employed by any school district, intermediate school district, public school academy, or nonpublic school in this state.

(10) Subsection (1) does not apply to an individual who is an employee or is assigned to regularly and continuously work under contract in a school of a school district, intermediate school district, public school academy, or nonpublic school if the individual is not more than 19 years of age and is enrolled as a general education pupil of a school district, intermediate school district, public school academy, or nonpublic school or is not more than 26 years of age and is enrolled in special education programs or services in a school district, intermediate school district, public school academy, or nonpublic school. However, the school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that person using the department of state police's internet criminal history access tool (ICHAT). If a search of the department of state police's ICHAT reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(11) For the purposes of subsections (8) and (10), the department shall make available to school districts, intermediate school districts, public school academies, and nonpublic schools information on how to verify a conviction using public records.

(12) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1.

(c) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(d) "Regularly and continuously work under contract" means any of the following:

(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(e) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

**History:** Add. 2005, Act 130, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006;—Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007;—Am. 2008, Act 583, Imd. Eff. Jan. 16, 2009.

**Popular name:** Act 451

### **380.1230h Disclosure.**

Sec. 1230h. (1) A record prepared by a state agency under section 1230d(7), 1535a(15), or 1539b(15) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. However, subject to subsections (2) and (3), a record described in this subsection is only exempt from disclosure as provided in this subsection until the expiration of 15 business days after the date the record is received by a school district, intermediate school district, public school academy, or nonpublic school.

(2) If information described in subsection (1) is determined during the 15 business days exemption period

to be inaccurate, then that information is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(3) After the 15 business days exemption period under subsection (1), all of the following apply:

(a) A state agency shall disclose information in a record described in subsection (1) if the information concerns a conviction that is the type of conviction that is allowed to be disclosed to the public under section 1230(10), 1230a(8), or 1230g(6).

(b) If the information concerns a type of conviction other than a conviction described in subdivision (a), the information is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. However, a state agency shall disclose the information to the public upon request, sorted and identified by school district, intermediate school district, public school academy, or nonpublic school, except that the state agency shall ensure that the information does not include any personal identifying information.

(4) This section does not affect any other rights, duties, or exemptions under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, or under any other law.

**History:** Add. 2006, Act 84, Imd. Eff. Mar. 31, 2006.

**Popular name:** Act 451

### **380.1231 Hiring of teachers; teachers' contracts generally.**

Sec. 1231. (1) The board of a school district shall hire and contract with qualified teachers. Contracts with teachers shall be in writing and signed on behalf of the school district by a majority of the board, by the president and secretary of the board, or by the superintendent of schools or an authorized representative of the board. The contracts shall specify the wages agreed upon.

(2) A teacher's contract shall be filed with the secretary of the board and a duplicate copy of the contract shall be furnished to the teacher.

(3) Except as otherwise provided under this act, a contract with a teacher is not valid unless the person holds a valid teaching certificate at the time the contractual period begins. A contract shall terminate if the certificate expires by limitation and is not renewed immediately or if it is suspended or revoked by proper legal authority.

(4) The board of a school district, after a teacher has been employed at least 2 consecutive years by the board, may enter into a continuing contract with a certificated teacher.

(5) As used in this section, "teacher" does not include a substitute teacher.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 735, Eff. Mar. 31, 2003.

**Popular name:** Act 451

### **380.1232 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to teachers' contracts.

**Popular name:** Act 451

### **380.1233 Teaching or counseling by noncertificated teacher; prohibition; exceptions; notice to superintendent of public instruction; waiving student teaching as requirement for vocational certification; competency test; employment as substitute teacher; requirements for service as counselor without valid teaching certificate.**

Sec. 1233. (1) Except as otherwise provided by law, the board of a school district or intermediate school board of an intermediate school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or department of the school.

(2) The board of a school district or intermediate school board of an intermediate school district shall not allow an individual to serve in a counseling role in the school district or intermediate school district, as the role is defined by the superintendent of public instruction, unless the individual meets 1 or more of the following and the board or intermediate school board complies with subsection (7):

(a) The individual holds a valid teaching certificate with a school counseling endorsement.

(b) The individual meets all of the following:

(i) Holds a master's degree awarded after completion of an approved school counselor education program that includes at least all of the following skills and content areas or their equivalent:

(A) Guidance services--philosophy, principles, and practices.

(B) Individual and group analysis--nature and range of human characteristics and appraisal methods.

(C) Guidance information--vocational development theory, educational and occupational information.

(D) Counseling theory and practice--individual and group procedures, administration and coordination relationships, professional relationships, and ethics.

(E) Supervised experiences--laboratory, practicum, or internship.

Rendered Friday, January 14, 2011

Page 57 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

- (F) Evaluation--statistics and research methodology, follow-up evaluation, and measurement methods.
- (ii) Has successfully completed the department's guidance counselor examination.
- (iii) Has been recommended by an approved school counselor education program to provide services as a school counselor.
- (c) The individual meets both of the following:
  - (i) Has at least 5 years of successful experience serving in a school counseling role in another state within the immediately preceding 7-year period.
  - (ii) Has successfully completed the department's guidance counselor examination.
- (3) The intermediate superintendent shall notify the superintendent of public instruction immediately of the names of noncertificated teachers teaching in violation of subsection (1) and the names of individuals serving in counseling roles in violation of subsection (2), the employing district, and the amount of time the noncertificated teachers or unqualified individuals were employed.
- (4) A vocational teacher preparation institution shall utilize the employment experience of an annually authorized teacher for the purpose of waiving student teaching as a requirement for vocational certification if the annually authorized teacher is supervised by the teacher preparation institution.
- (5) All vocational education teachers certified after June 1, 1995 shall pass a competency test.
- (6) The board of a school district or intermediate school district may employ a person without a teaching certificate as a substitute teacher if the person has at least 90 semester hours of college credit from a college or university.
- (7) If the board of a school district or intermediate school board of an intermediate school district chooses to employ an individual who does not hold a valid teaching certificate to serve in a counseling role, as permitted under subsection (2), the school board or intermediate school board shall comply with sections 1230 and 1230a with respect to that individual to the same extent as required for employing a person with a teaching certificate to serve as a teacher.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1987, Act 56, Imd. Eff. June 22, 1987;—Am. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 288, Imd. Eff. July 10, 2000.

**Popular name:** Act 451

### **380.1233a Employment counseling and placement services; agreement to establish joint or cooperative service; assistance; MCL 338.2006 inapplicable.**

Sec. 1233a. (1) Counseling or guidance staff employed by a school district, which for purposes of this section may include noncertified, nonendorsed personnel, shall devote an appropriate portion of working time and effort to employment counseling and placement services for pupils 16 to 19 years of age who do not intend to enroll in an institution of higher education after graduating from high school or who require or desire employment in conjunction with their continued education.

(2) A school district may enter into an agreement with 1 or more school districts, with the intermediate school district to which the school district is constituent, or with any other appropriate unit of local government to establish a joint or cooperative employment counseling or placement service. Upon the request of a school district, the Michigan employment security commission, the department of labor, or any other appropriate state agency shall provide assistance in establishing or conducting the service. A school district operating a placement service shall not be subject to section 6 of Act No. 301 of the Public Acts of 1974, being section 338.2006 of the Michigan Compiled Laws, and shall not charge a fee or any other consideration.

**History:** Add. 1978, Act 536, Imd. Eff. Dec. 21, 1978.

**Popular name:** Act 451

### **380.1233b Teaching of certain courses by noncertificated, nonendorsed teacher; requirements; effect of ability to engage certificated, endorsed teacher; waiving student teaching.**

Sec. 1233b. (1) Except as provided in subsection (3), the board of a local or intermediate school district may engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course in computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or in another subject area determined by the state board to be appropriate to be included under this section and so designated by the state board, or any combination of these subject areas, in grades 9 through 12.

(2) Subject to subsection (3), a noncertificated, nonendorsed teacher is qualified to teach pursuant to this section if he or she meets all of the following minimum requirements:

- (a) Possesses an earned bachelor's degree from an accredited postsecondary institution.
- (b) Has a major or a graduate degree in the field of specialization in which he or she will teach.



(c) If the teacher desires to teach for more than 1 year, has passed both a basic skills examination and a subject area examination, if a subject area examination exists, in the field of specialization in which he or she will teach.

(d) Except in the case of persons engaged to teach a foreign language, has, in the 5-year period immediately preceding the date of hire, not less than 2 years of occupational experience in the field of specialization in which he or she will teach.

(3) The requirements listed in subsection (2) for a teacher engaged to teach pursuant to this section shall be in addition to any other requirements established by the board of a local or intermediate school district, as applicable.

(4) Except as provided in subsection (5), the board of a local or intermediate school district shall not engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course described in subsection (1) if the district is able to engage a certificated, endorsed teacher.

(5) If the board of a local or intermediate school district is able to engage a certificated, endorsed teacher to teach a course described in subsection (1), the local or intermediate school board may employ or continue to employ a noncertificated, nonendorsed teacher to teach the course if both of the following conditions are met:

(a) The noncertificated, nonendorsed teacher is annually and continually enrolled and completing credit in an approved teacher preparation program leading to a provisional teaching certificate.

(b) The noncertificated, nonendorsed teacher has a planned program leading to teacher certification on file with the employing school district or intermediate school district, his or her teacher preparation institution, and the department of education.

(6) If the noncertificated, nonendorsed teacher completes 3 years of successful classroom teaching, as determined by regular observation and review by school district and teacher preparation institution personnel, the department of education and a teacher preparation institution shall utilize the teaching experience of a noncertificated, nonendorsed teacher for the purpose of waiving student teaching as a condition for receiving a continued employment authorization in the school district and a provisional teaching certificate.

**History:** Add. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1234 Exchange teachers; compensation, rights, and privileges.**

Sec. 1234. A teacher employed by a school district of this state, while the teacher is performing teaching duties in another state, a foreign country, or a territory of the United States or a foreign country with the consent of the employing school board in exchange for the services of a teacher of another state, a foreign country, or a territory of the United States or a foreign country, is entitled to the same compensation, rights, and privileges, including retirement benefits, as though the teacher were continuously performing normal teaching duties for the employing school board consenting to the exchange.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1997, Act 58, Imd. Eff. July 7, 1997.

**Popular name:** Act 451

### **380.1235 Sabbatical leave.**

Sec. 1235. (1) After a teacher has been employed at least 7 consecutive years by the board of a school district, and at the end of each additional period of 7 or more consecutive years of employment, the board may grant the teacher a sabbatical leave for professional improvement for not to exceed 2 semesters at 1 time, if the teacher holds a permanent, life, or continuing certificate or is engaged in teaching in a college maintained by the board. During the sabbatical leave, the teacher shall be considered to be in the employ of the board, shall have a contract, and may be paid compensation as provided in the regulations of the board. The board shall not be liable for death or injuries sustained by the teacher while on sabbatical leave.

(2) A teacher shall be allowed credit toward retirement for time spent on sabbatical leave under regulations established by the Michigan public school employee's retirement board.

(3) Upon return from a sabbatical leave a teacher shall be restored to the teacher's position held prior to sabbatical leave or to a position of like nature, seniority, status, and pay. The teacher shall be entitled to other benefits provided under regulations of the board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1236 Substitute teachers; leave time, salary, and privileges; applicability of subsections (1) and (2); contract; "day" defined.**

Sec. 1236. (1) Subject to subsection (3), if a teacher is employed as a substitute teacher with an assignment to 1 specific teaching position, then after 60 days of service in that assignment the teacher shall be granted for

the duration of that assignment leave time and other privileges granted to regular teachers by the school district, including a salary not less than the minimum salary on the current salary schedule for that district.

(2) Subject to subsections (3) and (4), a teacher employed as a substitute teacher for 150 days or more during a legal school year of not less than 180 days, or employed as a substitute teacher for 180 days or more by an intermediate school district that operates any program for 220 days or more as required by administrative rule, shall be given during the balance of the school year or during the next succeeding legal school year only the first opportunity to accept or reject a contract for which the substitute teacher is certified, after all other teachers of the school district are reemployed in conformance with the terms of a master contract of an authorized bargaining unit and the employer.

(3) Subsections (1) and (2) do not apply to a substitute teacher who is contracted or employed by a person or entity that contracts with a school district or intermediate school district pursuant to section 1236a.

(4) Subsection (2) does not apply to a substitute teacher who is fulfilling the teaching duties of a teacher who is unable to teach due to a terminal illness.

(5) As used in this section, "day" means the working day of the regular, full-time teacher for whom the substitute teacher substitutes. A quarter-day, half-day, or other fractional day of substitute service shall be counted only as that fraction. However, a fraction of a day that is acknowledged by the school district and paid as a full day shall be counted as a full day for purposes of this section.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1986, Act 72, Imd. Eff. Apr. 7, 1986;—Am. 1995, Act 289, Eff. Mar. 28, 1996;—Am. 2002, Act 735, Eff. Mar. 31, 2003.

**Popular name:** Act 451

### **380.1236a Person or entity furnishing substitute teachers; contract; "entity" defined.**

Sec. 1236a. (1) The board of a school district or intermediate school district may enter into a contract with a person or entity to furnish substitute teachers to the school district or intermediate school district as necessary to carry out the operations of the school district or intermediate school district.

(2) A contract entered into under this section shall include the following provisions:

(a) Assurance that the person or entity will furnish the school district or intermediate school district with qualified teachers in accordance with this act and rules promulgated under this act.

(b) Assurance that the person or entity will not furnish to the school district or intermediate school district any teacher who, if employed directly by the school district or intermediate school district, would be ineligible for employment by the school district or intermediate school district as a substitute teacher under this act.

(c) A description of the level of compensation and fringe benefits to be provided to employees of the person or entity who are assigned to the school district or intermediate school district as substitute teachers.

(d) A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the school district or intermediate school district under the contract.

(e) Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the school district or intermediate school district, will comply with sections 1230 and 1230a with respect to that individual to the same extent as if the person or entity were a school district employing the individual as a substitute teacher and will provide the board of the school district or intermediate school district with the criminal history record information obtained under section 1230 and with the results of the criminal records check under section 1230a. The department of state police shall provide information to a person or entity requesting information under this subdivision to the same extent as if the person or entity were a school district making the request under section 1230 or 1230a.

(3) A school district or intermediate school district that contracts with a person or entity to furnish substitute teachers under this section may purchase liability insurance to indemnify and protect the school district or intermediate school district and the person or entity against losses or liabilities incurred by the school district or intermediate school district and person or entity arising out of any claim for personal injury or property damage caused by the school district or intermediate school district, its officers, employees, or agents. A school district or intermediate school district may pay premiums for the insurance out of its operating funds. The existence of any policy of insurance indemnifying the school district or intermediate school district and person or entity against liability for damages is not a waiver of any defense otherwise available to the school district or intermediate school district in the defense of the claim.

(4) As used in this section, "entity" means a partnership, nonprofit or business corporation, labor organization, limited liability company, or any other association, corporation, trust, or other legal entity.

**History:** Add. 2002, Act 735, Eff. Mar. 31, 2003.

**Popular name:** Act 451

### **380.1237 Employment of person who does not hold teaching certificate to provide speech and language services.**

Sec. 1237. Notwithstanding any other provision of this act or a rule to the contrary, a school district, local act school district, intermediate school district, or public school academy may employ a person who does not hold a teaching certificate to provide speech and language services if the person meets the requirements for speech-language certification by the American speech-language-hearing association. However, a person who does not hold a teaching certificate shall not be assigned to serve as a classroom teacher.

**History:** Add. 2000, Act 387, Imd. Eff. Jan. 3, 2001.

**Popular name:** Act 451

### **380.1240 Law enforcement agency; creation.**

Sec. 1240. (1) The board of a school district that has a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000 as of the most recent decennial census may create a law enforcement agency in accordance with and as provided under the public body law enforcement agency act. If the school district is a qualifying school district under part 5a, the chief executive officer of the school district, with the concurrence of the school reform board of the school district, may create a law enforcement agency in accordance with and as provided under the public body law enforcement agency act.

(2) If the board or chief executive officer of a school district creates a law enforcement agency under subsection (1), the board or chief executive officer may grant to law enforcement officers of that law enforcement agency the same powers, immunities, and authority as are granted by law to peace officers and police officers to detect crime and to enforce the criminal laws of this state and to enforce state laws, local ordinances, and the ordinances and regulations of the school district, as provided under the public body law enforcement agency act. Law enforcement officers to whom the authority of peace officers and police officers is granted under that act are considered peace officers of this state and have the authority of police officers provided under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, and as provided under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

**History:** Add. 2004, Act 380, Imd. Eff. Oct. 12, 2004.

**Popular name:** Act 451

### **380.1246 Superintendent, principal, assistant principal, administrator of instructional programs, or chief business official; conditions for employment; continuing education; rules; time period to meet certification requirements.**

Sec. 1246. (1) A school district, public school academy, or intermediate school district shall not continue to employ a person as a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs or as a chief business official unless the person meets 1 or more of the following requirements, as applicable:

(a) For a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs, or a chief business official, who was employed as a school administrator in this state on or before the effective date of the amendatory act that added this subdivision, has completed the continuing education requirements prescribed by rule under subsection (2).

(b) Subject to subsection (3), for a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs and who is initially employed as a school administrator in this state after the effective date of the amendatory act that added this subdivision, possesses a valid Michigan school administrator's certificate issued under section 1536.

(2) The superintendent of public instruction shall promulgate rules establishing continuing education requirements as a condition for continued employment for persons described in subsection (1)(a). The rules shall prescribe a minimum amount of continuing education that shall be completed within 5 years after initial employment and shall be completed each subsequent 5-year period to meet the requirements of subsection (1)(a) for continued employment.

(3) A school district, public school academy, or intermediate school district may employ as a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs a person who is enrolled in a program leading to certification as a school administrator under section 1536 not later than 6 months after he or she begins the employment. A person employed as a school administrator pursuant to this subsection has 3 years to meet the certification requirements of section 1536, or the school district, public school academy, or intermediate school district shall not continue to employ the person as a school administrator described in this subsection.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1986, Act 163, Imd. Eff. July 7, 1986;—Am. 1991, Act 63, Imd. Eff. July 3, 1991;—Am. 2004, Act 380, Imd. Eff. Oct. 12, 2004.

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Page 61 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

1991;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1994, Act 413, Imd. Eff. Dec. 29, 1994;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 148, Imd. Eff. June 15, 2004;—Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010.

**Popular name:** Act 451

**Administrative rules:** R 380.1201 of the Michigan Administrative Code.

### **380.1247, 380.1248 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to employment and duties of administrators, building principals, assistants, and employees.

**Popular name:** Act 451

### **380.1249 Performance evaluation system; effect of collective bargaining agreement; evaluations for school principals.**

Sec. 1249. (1) Not later than September 1, 2011, and subject to subsection (2), with the involvement of teachers and school administrators, the board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement for all teachers and school administrators a rigorous, transparent, and fair performance evaluation system that does all of the following:

(a) Evaluates the teacher's or school administrator's job performance at least annually while providing timely and constructive feedback.

(b) Establishes clear approaches to measuring student growth and provides teachers and school administrators with relevant data on student growth.

(c) Evaluates a teacher's or school administrator's job performance, using multiple rating categories that take into account data on student growth as a significant factor. For these purposes, student growth shall be measured by national, state, or local assessments and other objective criteria.

(d) Uses the evaluations, at a minimum, to inform decisions regarding all of the following:

(i) The effectiveness of teachers and school administrators, ensuring that they are given ample opportunities for improvement.

(ii) Promotion, retention, and development of teachers and school administrators, including providing relevant coaching, instruction support, or professional development.

(iii) Whether to grant tenure or full certification, or both, to teachers and school administrators using rigorous standards and streamlined, transparent, and fair procedures.

(iv) Removing ineffective tenured and untenured teachers and school administrators after they have had ample opportunities to improve, and ensuring that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures.

(2) If a collective bargaining agreement is in effect for teachers or school administrators of a school district, public school academy, or intermediate school district as of January 4, 2010, and if that collective bargaining agreement prevents compliance with subsection (1), then subsection (1) does not apply to that school district, public school academy, or intermediate school district until after the expiration of that collective bargaining agreement.

(3) A school district, intermediate school district, or public school academy shall continue to conduct the evaluations for school principals that are currently required by the department through the 2010-2011 school year. At the end of the 2010-2011 school year, a school district, intermediate school district, or public school academy shall report the most recently completed or determined "effectiveness label" from that evaluation for each principal who is in place for 2010-2011, in a form and manner prescribed by the department.

**History:** Add. 2009, Act 205, Imd. Eff. Jan. 4, 2010;—Am. 2010, Act 336, Imd. Eff. Dec. 21, 2010.

**Compiler's note:** Former MCL 380.1249, which pertained to review of official transcripts and procedures for changing grades, was repealed by Act 289 of 1995, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1250 Compensation including job performance and accomplishments as factors; effect if collective bargaining agreement.**

Sec. 1250. (1) A school district, public school academy, or intermediate school district shall implement and maintain a method of compensation for its teachers and school administrators that includes job performance and job accomplishments as a significant factor in determining compensation and additional compensation. The assessment of job performance shall incorporate a rigorous, transparent, and fair evaluation system that evaluates a teacher's or school administrator's performance at least in part based upon data on student growth as measured by assessments and other objective criteria.

(2) If a collective bargaining agreement is in effect for teachers or school administrators of a school district, public school academy, or intermediate school district as of the effective date of the amendatory act

that added this subsection, and if that collective bargaining agreement prevents compliance with subsection (1), then subsection (1) does not apply to that school district, public school academy, or intermediate school district until after the expiration of that collective bargaining agreement.

**History:** Add. 1995, Act 289, Eff. July 1, 1996;—Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010.

**Popular name:** Act 451

### **380.1251 School psychological service; rules; reports and information.**

Sec. 1251. (1) The board of a school district may establish and employ personnel necessary to provide an adequate school psychological service. School psychological service is a related nonclassroom function and shall be operated under rules promulgated by the state board, which shall establish the educational and experience requirements for, and certify as qualified and issue certificates to, the personnel for the services.

(2) The state board may require reports and information from participating school districts.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1987, Act 169, Eff. Mar. 30, 1988.

**Popular name:** Act 451

**Administrative rules:** R 340.1151 et seq. of the Michigan Administrative Code.

### **380.1252 Professional nursing services; rules; reports; section inapplicable to certain nursing services.**

Sec. 1252. (1) The board of a school district may employ registered nurses necessary to provide professional nursing services. The services shall be operated under rules promulgated by the state board which shall establish the certification requirements for registered nurses in the services.

(2) The state board may require reports and information from school districts offering nursing services.

(3) This section does not apply to nursing services provided by a county or district health department.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**Administrative rules:** R 340.1161 et seq. of the Michigan Administrative Code.

### **380.1253 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to employment and duties of attorneys.

**Popular name:** Act 451

### **380.1254 Expenses of board members and employees; expenditures as public record; payment; credit or debit card.**

Sec. 1254. (1) Except as provided in subsection (3) and section 1217a, the board of a school district or intermediate school district may pay the actual and necessary expenses incurred by its members and employees in the discharge of official duties or in the performance of functions authorized by the board. The expenditure shall be a public record and shall be made available to a person upon request.

(2) The board of a school district or intermediate school district shall not approve payment of an expense incurred by a board member under subsection (1) unless 1 or both of the following conditions are met:

(a) The board, by a majority vote of its members at an open meeting, approved reimbursement of the specific expense before the expense was incurred.

(b) The expense is consistent with a policy adopted by the board, by a majority vote of its members at a regular board meeting, establishing specific categories of reimbursable expenses and the board, by a majority vote of its members at an open meeting, approves the reimbursement before it is actually paid.

(3) The board of any school district shall not provide, allow, or obtain credit cards for, issue credit cards to, or provide to a school board member a debit card or similar instrument that pledges payment of funds from a school district account except in compliance with law.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 257, Imd. Eff. July 15, 1988;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1255 School district; compliance with public employees health benefit act.**

Sec. 1255. If the board of a school district provides medical, optical, or dental benefits to employees and their dependents, the board shall provide those benefits in accordance with the public employees health benefit act and shall comply with that act.

**History:** Add. 2007, Act 107, Imd. Eff. Oct. 1, 2007.

**Compiler's note:** Former MCL 380.1255, which pertained to economic benefits for employees, was repealed by Act 289 of 1995, Eff. July 1, 1996.



Popular name: Act 451

**380.1256 Inspecting, monitoring, removing, or treating asbestos or material containing asbestos; contractual agreement to provide legal representation against civil liability.**

Sec. 1256. (1) If the duties of a person employed by a board of a school district include inspecting, monitoring, removing, or treating asbestos or material containing asbestos, or supervising those activities, the board may contractually agree to provide legal representation and indemnification against civil liability with regard to claims or actions resulting from or arising out of the person's negligence or alleged negligence in performing those duties while in the course of his or her employment and while acting within the scope of his or her authority.

(2) A contractual agreement authorized under this section may be entered into at any time before or after the person begins performing the duties described in subsection (1).

**History:** Add. 1989, Act 203, Imd. Eff. Oct. 23, 1989.

Popular name: Act 451

**380.1260 Deed restrictions or other prohibitions; lease or rent of property.**

Sec. 1260. (1) Unless approved by the state board, a school board or intermediate school board shall not impose any deed restriction prohibiting, or otherwise prohibit, property sold or transferred by the school board or intermediate school board from being used for any lawful public education purpose. Any deed restriction or other prohibition in effect as of the effective date of this subsection is void.

(2) If a school board or intermediate school board offers property of the school board or intermediate school board for lease or rent, the school board or intermediate school board shall not refuse to lease or rent the property to a person solely because the person intends to use the property for an educational purpose, if the intent of the person is to use the property for a lawful educational purpose.

**History:** Add. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

**380.1261-380.1262a Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to care, management, and acquisition of property, and the commencement of construction.

Popular name: Act 451

**380.1263 Building schools; requirements; compliance; review and approval; submission of site plan to local zoning authority; "high school building" and "local zoning authority" defined.**

Sec. 1263. (1) The board of a school district shall not build a school upon a site without having prior title in fee to the site, a lease for not less than 99 years, or a lease for not less than 50 years from the United States government, or this state, or a political subdivision of this state.

(2) The board of a school district shall not build a frame school on a site for which it does not have a title in fee or a lease for 50 years without securing the privilege of removing the school.

(3) The governing board of a public school shall not design or build a school building to be used for instructional or noninstructional school purposes or design and implement the design for a school site unless the design or construction is in compliance with 1937 PA 306, MCL 388.851 to 388.855a. The superintendent of public instruction has sole and exclusive jurisdiction over the review and approval of plans and specifications for the construction, reconstruction, or remodeling of school buildings used for instructional or noninstructional school purposes and, subject to subsection (4), of site plans for those school buildings.

(4) Unless the site is located within a city or village, the governing board of a public school shall not build or expand a high school building on a site without first submitting the site plan to the local zoning authority for administrative review as provided under this subsection. Not later than 60 days after receiving the site plan, the local zoning authority shall respond to the governing board with either a written notice that the local zoning authority concurs with the site plan or with written suggested changes to the site plan. If the local zoning authority does not respond to the governing board with either of these options, the governing board shall be considered to have received a written notice of concurrence from the local zoning authority. If there are written suggested changes, then not later than 45 days after receiving the written suggested changes, the governing board shall respond to the local zoning authority with a revised site plan that incorporates the changes or with an explanation of why the changes are not being made. This subsection applies to expansion of a high school building only if the expansion will result in the square footage of the high school building being increased by at least 20%. This subsection does not apply to temporary structures or facilities that are

necessary due to unexpected enrollment increases and that are used for not more than 2 years.

(5) If mutually agreed by the governing board and the local zoning authority, the time periods in subsection (4) may be extended.

(6) The communication required under subsection (4) between a governing board and a local zoning authority is for informational purposes only and does not require the governing board to make any changes in its site plan. Once the process prescribed under subsection (4) is complete, this section does not require any further interaction between the governing board and a local zoning authority.

(7) A local zoning authority shall not charge a governing board a fee for the process prescribed under subsection (4) that exceeds \$250.00 for an administrative review or \$1,500.00 for total costs incurred by a local zoning authority under subsection (4) for the specific project involved.

(8) As used in this section:

(a) "High school building" means any structure or facility that is used for instructional purposes, that offers at least 1 of grades 9 to 12, and that includes an athletic field or facility.

(b) "Local zoning authority" means the zoning authority for the jurisdiction in which the construction or expansion of a high school building is to occur.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1990, Act 159, Imd. Eff. July 2, 1990;—Am. 2006, Act 276, Imd. Eff. July 7, 2006.

**Popular name:** Act 451

### **380.1263a Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to leasing, renovating, and maintaining school buildings.

**Popular name:** Act 451

### **380.1264, 380.1264a Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to managing libraries or museums and establishing library media centers.

**Popular name:** Act 451

### **380.1265, 380.1266 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to acquiring sites under the urban renewal program and using funds for neighborhood facilities.

**Popular name:** Act 451

### **380.1267 School buildings; construction, addition, repair, or renovation; bids; exception; advertising; security; opening and reading of bids; rejection of bids; readvertising; local policy giving preference to Michigan-based business; applicability of section; adjustment of maximum amount; "Michigan-based business" defined.**

Sec. 1267. (1) Before commencing construction of a new school building, or addition to or repair or renovation of an existing school building, except repair in emergency situations, the board of a school district or intermediate school district or board of directors of a public school academy, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building.

(2) The board, intermediate school board, or board of directors shall advertise for the bids required under subsection (1) by placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least 2 weeks on the department of management and budget website on a page on the website maintained for this purpose or on a website maintained by a school organization and designated by the department of management and budget for this purpose. If the department of management and budget designates a school organization website for this purpose, the department of management and budget shall indicate this fact on its website and include a link on its website to the school organization website.

(3) The advertisement for bids shall do all of the following:

(a) Specify the date and time by which all bids must be received by the board, intermediate school board, or board of directors.

(b) State that the board, intermediate school board, or board of directors will not consider or accept a bid received by the board, intermediate school board, or board of directors after the date and time specified for bid submission.

(c) Identify the time, date, and place of a public meeting at which the board, intermediate school board, or board of directors or its designee will open and read aloud each bid received by the board, intermediate school

board, or board of directors by the date and time specified in subdivision (a).

(d) State that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the board, intermediate school board, or board of directors or the superintendent of the school district, intermediate superintendent of the intermediate school district, or chief executive officer of the public school academy. A board, intermediate school board, or board of directors shall not accept a bid that does not include this sworn and notarized disclosure statement.

(4) The board, intermediate school board, or board of directors shall require each bidder for a contract under this section to file with the board, intermediate school board, or board of directors security in an amount not less than 1/20 of the amount of the bid conditioned to secure the school district from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the board, intermediate school board, or board of directors.

(5) The board, intermediate school board, or board of directors shall not open, consider, or accept a bid that the board, intermediate school board, or board of directors receives after the date and time specified for bid submission in the advertisement for bids described in subsection (3).

(6) At a public meeting identified in the advertisement for bids described in subsection (3), the board, intermediate school board, or board of directors or its designee shall open and read aloud each bid that the board, intermediate school board, or board of directors received at or before the time and date for bid submission specified in the advertisement for bids. The board, intermediate school board, or board of directors may reject any or all bids, and if all bids are rejected, shall readvertise in the manner required by this section.

(7) The board of a school district or intermediate school district or board of directors of a public school academy may adopt and implement a local policy that gives a preference to a Michigan-based business in awarding a contract under this section. The policy may provide for a preference based on the status of the primary contractor as a Michigan-based business or based on the status of 1 or more subcontractors of the primary contractor as Michigan-based businesses, or both. A policy adopted under this subsection shall be consistent with federal statutes and regulations and shall not be applied to a contract that is to be paid with federal funds. Upon request by a school district, intermediate school district, or public school academy that has adopted and implemented a policy described in this subsection, the department of treasury shall disclose to that school district, intermediate school district, or public school academy verifying information as described in section 268(3) of the management and budget act, 1984 PA 431, MCL 18.1268. The adoption, implementation, or application of a policy described in this subsection, or a decision not to adopt, implement, or apply such a policy, does not create a cause of action.

(8) This section does not apply to buildings, renovations, or repairs costing less than \$20,959.00 or to repair work normally performed by school district, intermediate school board, or public school academy employees. The maximum amount specified in this subsection shall be adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar.

(9) As used in this section, "Michigan-based business" means a business that would qualify for a preference in a procurement contract with this state under section 268 of the management and budget act, 1984 PA 431, MCL 18.1268.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 431, Imd. Eff. Dec. 29, 1982;—Am. 1990, Act 159, Imd. Eff. July 2, 1990;—Am. 1994, Act 278, Imd. Eff. July 11, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 232, Imd. Eff. July 21, 2004;—Am. 2008, Act 540, Imd. Eff. Jan. 13, 2009.

**Popular name:** Act 451

### **380.1268 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to school property as community or recreation center.

**Popular name:** Act 451

### **380.1269 Insuring school district or public school academy property.**

Sec. 1269. The board of a school district other than a first class school district shall insure school district property unless otherwise directed by the school electors. The governing board of a public school academy shall insure public school academy property. The insurance may be obtained from mutual, stock, or other responsible companies licensed to do business in this state.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1270 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to accident or medical insurance program for pupils.

**Popular name:** Act 451

### **380.1272 Meal program for pupils.**

Sec. 1272. The board of a school district may use general funds to provide the necessary personnel, equipment, supplies, and food to furnish meals for regularly enrolled pupils, and may accept produce and financial reimbursement from the state to supplement the resources of the district. The board may provide the meal program by contract or it may engage directly in the business. The board may charge a fee for each meal furnished in accordance with sections 1272a to 1272d.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1991, Act 167, Imd. Eff. Dec. 19, 1991.

**Popular name:** Act 451

### **380.1272a Lunch program; breakfast program.**

Sec. 1272a. (1) The board of a K to 12 school district shall, and the board of another school district may, establish and operate a program under which lunch is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district.

(2) The board of a K to 12 school district shall establish and operate a program under which breakfast is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district unless no more than 20% of the pupils enrolled in the school building in the immediately preceding school year met the income eligibility criteria for free or reduced-price lunch under the federally funded school lunch program, as determined using October claims reported to the department by December 31 of the immediately preceding school year, and, after a public hearing on the issue, which shall be held annually with notice to parents and pupils, the board decides not to operate such a program in that school building and publishes a public justification report explaining its decision. The board of another school district may establish and operate a school breakfast program.

(3) To the extent permitted by federal law, the department shall encourage innovative cost effective models of breakfast distribution designed to maximize pupil participation.

**History:** Add. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1990, Act 35, Imd. Eff. Mar. 22, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1272b Nutritional standards; fees; free and reduced price meals; free milk; confidentiality; discrimination; planning and evaluation of meals and other foods.**

Sec. 1272b. In all programs established and operated pursuant to section 1272a:

(a) Nutritional standards prescribed by the United States department of agriculture pursuant to section 9 of the national school lunch act, 42 U.S.C. 1758, shall be met and maintained.

(b) The board may charge a fee for meals or milk, but the fee shall not exceed the actual average daily cost, including necessary supervision, of the meal or milk and accessories, less the amount of food and financial assistance received by the board for the meal or milk.

(c) The board shall provide free and reduced price meals and free milk to all pupils eligible under the maximum standards prescribed by the United States department of agriculture pursuant to section 9 of the national school lunch act, 42 U.S.C. 1758; shall ensure the confidentiality of all information contained in applications for eligibility; and shall further ensure that eligible pupils are not discriminated against or overtly identified in any manner.

(d) The board shall provide for parent and pupil participation in the planning and evaluation of school meals and other foods sold or dispensed on school premises.

**History:** Add. 1977, Act 43, Imd. Eff. June 29, 1977.

**Popular name:** Act 451

### **380.1272c Applicability of MCL 380.1272a.**

Sec. 1272c. The requirements of section 1272a shall not apply:

(a) In a school year in which the federal subsidy per meal falls below the 1975-76 level or the state subsidy per meal served is less than the figures specified in section 1272d(b) and (c).

(b) In a school district during a school year when the state board finds that a financial emergency exists which renders the school district unable to comply fully with the requirements. The board of the school district may apply, in writing, to the state board, not later than July 1 for a subsequent school year, demonstrating the need for noncompliance and describing the programs and services that can be provided and the efforts being undertaken to alleviate the emergency. If the state board finds that an emergency exists, it shall approve the noncompliance or prescribe conditions for partial compliance. The state board may extend the filing date for good cause.

**History:** Add. 1977, Act 43, Imd. Eff. June 29, 1977.

**Popular name:** Act 451

### **380.1272d Duties of department of education.**

Sec. 1272d. The department of education shall do all of the following:

(a) Prescribe a uniform reporting system for the collection, compilation, and analysis of data relative to the administration of this section and section 1272a.

(b) Pay a school district for each free meal served pursuant to section 1272b(c) an amount calculated by subtracting the federal reimbursement rate for a free meal from the actual cost of the meal, but not to exceed 5 cents per meal.

(c) Pay a school district for each reduced price meal served pursuant to section 1272b(c) an amount calculated by subtracting the sum of the federal reimbursement rate for a reduced price meal and the fee charged from the actual average cost of the meal, but not to exceed 2 cents per meal.

(d) For 1982-83 and thereafter, payments required by subdivisions (b) and (c) to a school district shall be credited to the state's matching share required by section 7 of the national school lunch act, 42 U.S.C. 1756.

(e) Designate a reimbursable cost per breakfast equal to the lesser of the school district's actual costs or 100% of the cost of a breakfast served by an efficiently operated breakfast program, as determined by the department. The department shall allocate, and the legislature shall appropriate as part of the annual department appropriations and allocations, all reasonable and necessary direct and indirect costs of an efficiently operated breakfast program or the school district's actual costs, whichever is less, incurred by a school district in the operation of a breakfast program, which costs would not have been incurred without the operation of a breakfast program, to any extent that they exceed state and federal breakfast subsidies and permissible pupil breakfast fees. These costs shall be reimbursed on a per-breakfast-served basis and may include, but shall not be limited to, compensation for needed additional personnel and supervision of both participating and nonparticipating pupils. In a school year in which the total amount of reimbursements under this subsection, as determined by the department, are not appropriated, the requirements of section 1272a(2) shall not apply to the affected school district.

**History:** Add. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1980, Act 508, Imd. Eff. Jan. 22, 1981;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1982, Act 306, Imd. Eff. Oct. 13, 1982;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

**Popular name:** Act 451

### **380.1273 Meal program.**

Sec. 1273. The board may enter into contracts to provide material, personnel, and equipment necessary to establish and operate a low cost, nutritionally sound meal program for persons 60 years of age or older and their spouses. Receipts and expenditures shall be maintained separate from the school general fund and food service accounts to insure the district's recovery of total program cost through a nominal charge to participants, through federal, state, local, or private grants or reimbursement, or a combination thereof.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1274 Procurement of supplies, materials, and equipment; written policies; competitive bids; approval of purchase; adjustment of maximum amount; local policy giving preference to Michigan-based business; items purchased through cooperative bulk purchasing program; acquisition of equipment; payment; purchase of heating and cooking equipment; "Michigan-based business" defined.**

Sec. 1274. (1) The board of a school district or board of directors of a public school academy shall adopt written policies governing the procurement of supplies, materials, and equipment.

(2) Except as otherwise provided in subsection (4) or (5), a school district or public school academy shall not purchase an item or a group of items in a single transaction costing \$20,959.00 or more unless competitive bids are obtained for those items and the purchase of those items is approved by the school board or board of directors. The maximum amount specified in this subsection shall be adjusted each year by multiplying the



amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar.

(3) The board of a school district or board of directors of a public school academy may adopt and implement a local policy that gives a preference to a Michigan-based business in awarding a contract under this section. The policy may provide for a preference based on the status of the primary contractor as a Michigan-based business or based on the status of 1 or more subcontractors of the primary contractor as Michigan-based businesses, or both. A policy adopted under this subsection shall be consistent with federal statutes and regulations and shall not be applied to a contract that is to be paid with federal funds. Upon request by a school district or public school academy that has adopted and implemented a policy described in this subsection, the department of treasury shall disclose to that school district or public school academy verifying information as described in section 268(3) of the management and budget act, 1984 PA 431, MCL 18.1268. The adoption, implementation, or application of a policy described in this subsection, or a decision not to adopt, implement, or apply such a policy, does not create a cause of action.

(4) A school district or public school academy is not required to obtain competitive bids for items purchased through the cooperative bulk purchasing program operated by the department of management and budget under section 263(3) of the management and budget act, 1984 PA 431, MCL 18.1263.

(5) A school district or public school academy is not required to obtain competitive bids for purchasing food unless the food is purchased in a single transaction costing \$100,000.00 or more.

(6) The board of a school district or local act school district or board of directors of a public school academy may acquire by purchase, lease, or rental, with or without option to purchase, equipment necessary for the operation of the school program, including, but not limited to, heating, water heating, and cooking equipment for school buildings, and may pay for the equipment from operating funds of the district or public school academy. Heating and cooking equipment may be purchased on a title retaining contract or other form of agreement creating a security interest and pledging in payment money in the general fund or funds received from state school aid. The contracts may extend for not more than 10 years.

(7) As used in this section, "Michigan-based business" means a business that would qualify for a preference in a procurement contract with this state as determined under section 268 of the management and budget act, 1984 PA 431, MCL 18.1268.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1982, Act 489, Eff. Mar. 30, 1983;—Am. 1983, Act 140, Imd. Eff. July 18, 1983;—Am. 1990, Act 159, Imd. Eff. July 2, 1990;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 2004, Act 588, Imd. Eff. Jan. 4, 2005;—Am. 2008, Act 343, Imd. Eff. Dec. 23, 2008;—Am. 2008, Act 540, Imd. Eff. Jan. 13, 2009.

**Popular name:** Act 451

### **380.1274a Energy conservation improvements; payment; bond; contract terms; removal or treatment of asbestos or other material injurious to health; issuance of bonds; competitive bidding requirements; reports; forms; definitions.**

Sec. 1274a. (1) The board of a school district, intermediate school district, or local act school district may contract with a qualified provider for energy conservation improvements to school facilities. These improvements may be paid from operating funds of the school district or from the proceeds of bonds or notes issued for energy conservation improvements, or the board or intermediate school board may enter into 1 or more energy saving performance contracts. These contracts may contain a written financial guarantee providing that the costs of improvements will be paid only if the energy savings are sufficient to cover them. Energy conservation improvements may include, but are not limited to, building envelope improvements; heating and cooling upgrades; lighting retrofits; installing or upgrading an energy management system; motor, pump, or fan replacements; domestic water use reductions; and upgrading other energy consuming equipment or appliances.

(2) A school board or intermediate school board that contracts for energy conservation improvements under subsection (1) may require the qualified provider to furnish a bond that guarantees energy cost savings for a specified period of time.

(3) If a school board or intermediate school board enters into an energy saving performance contract under this section, all of the following apply:

(a) The bids for the contract shall provide a detailed breakdown of the energy performance savings to be derived each year and for the duration of the energy saving performance contract, including at least all of the following:

(i) A description of the guaranteed energy use savings and tasks to be performed under the energy saving performance contract.

(ii) The combined total net cost of all of the energy conservation measures in the project.

(iii) The projected energy savings and operating and maintenance cost savings resulting from the project.

(iv) The useful life of each energy conservation measure.

(v) The simple payback period.

(b) The qualified provider shall certify that measurement and verification techniques for determining cost savings will be performed in accordance with the protocols published in January 2001 by the international performance measurement and verification protocol inc.

(4) The board of a school district, intermediate school district, or local act school district may provide for the removal or treatment of asbestos or other material injurious to health for school facilities and may pay for the improvements from operating funds of the school district or from the proceeds of bonds or notes issued for that purpose.

(5) Issuance of bonds for the purposes authorized by this section shall be considered as issued for capital expenditures for all purposes including section 16 of article IX of the state constitution of 1963.

(6) Energy conservation improvements or substance removal or treatment authorized by this section is subject to the competitive bidding requirements of section 1267.

(7) If energy conservation improvements are made by a school district, local act school district, or intermediate school district as provided in this section, the school board or intermediate school board shall report the following information to the state treasurer within 60 days after the completion of the improvements:

(a) Name of each facility to which an improvement was made and a description of the conservation improvements.

(b) Actual energy consumption during the 12-month period before completion of the improvement.

(c) Project costs and expenditures.

(d) Estimated annual energy savings.

(8) If energy conservation improvements are made as provided in this section, the school board or intermediate school board shall report to the state treasurer by July 1 of each of the 5 years after the improvements are completed the actual annual energy consumption of each facility to which improvements were made. The forms for the reports required by this section shall be furnished by the state treasurer.

(9) As used in this section:

(a) "Energy saving performance contract" means an agreement for the evaluation, recommendation, and implementation of energy conservation measures including, but not limited to, an energy audit or detailed energy study; the design, installation, operation, and maintenance of 1 or more energy conservation measures; energy management services; and an energy savings guarantee.

(b) "Qualified provider" means an individual or a business entity that is experienced in performing design, analysis, and installation of energy conservation improvements and facility energy management measures and that will provide these services under the contract with a guarantee or on a performance basis.

**History:** Add. 1982, Act 431, Imd. Eff. Dec. 29, 1982;—Am. 1985, Act 22, Imd. Eff. May 20, 1985;—Am. 1990, Act 227, Imd. Eff. Oct. 8, 1990;—Am. 2003, Act 255, Imd. Eff. Dec. 29, 2003.

**Compiler's note:** For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.

For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

**Popular name:** Act 451

### **380.1274b Purchase, storage, or use of free flowing elemental mercury or instrument that contains mercury; restrictions; absence of mercury-free alternative for instrument; disposal of mercury and instruments containing mercury.**

Sec. 1274b. (1) Except as otherwise provided in subsection (2), the board of a school district, local act school district, or intermediate school district; governing board of a nonpublic school; or board of directors of a public school academy shall ensure that after December 31, 2004 the school district, intermediate school district, nonpublic school, or public school academy does not purchase, store, or use free flowing elemental mercury for any experiment, display, or other purpose and does not purchase, store, or use an instrument that contains mercury, including, but not limited to, a thermometer, barometer, or sphygmomanometer, or manometer containing mercury.

(2) After December 31, 2004, if no reasonably acceptable, mercury-free alternative exists for an instrument

used by the school district, intermediate school district, nonpublic school, or public school academy, then the school district, intermediate school district, nonpublic school, or public school academy may use the instrument that contains the lowest mercury content available on the market.

(3) The board of a school district, local act school district, or intermediate school district; governing board of a nonpublic school; or board of directors of a public school academy shall ensure that the school district, intermediate school district, nonpublic school, or public school academy disposes of mercury and instruments containing mercury in accordance with applicable state and federal law.

**History:** Add. 2000, Act 376, Imd. Eff. Jan. 2, 2001.

**Popular name:** Act 451

### **380.1275 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to counseling, information, and services pertaining to controlled substances and alcoholism.

**Popular name:** Act 451

### **380.1276 Pedestrian overpasses; acquisition or construction; payment of costs; contracts; approval.**

Sec. 1276. The board of a school district or a local act school district may acquire by purchase or lease or may construct pedestrian overpasses for the safe conduct of pupils enroute to and from school. The costs may be paid by the school district and by the highway authority having jurisdiction of the public highway in amounts agreed upon by the board and the highway authority. The board may pay its share out of the general funds of the school district, or may purchase the overpasses on title retaining contracts. The contracts shall not be entered into or issued for more than 10 years. A pedestrian overpass shall not be constructed over a public highway without the prior approval of the highway authorities having jurisdiction over the highway.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1277 School improvement plan.**

Sec. 1277. (1) Considering criteria established by the state board, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall adopt and implement and, not later than September 1 each year, shall make available to the department a copy of a 3- to 5-year school improvement plan and continuing school improvement process for each school within the school district. The school improvement plans shall include, but are not limited to, a mission statement, goals based on student academic objectives for all students, curriculum alignment corresponding with those goals, evaluation processes, staff development, development and utilization of community resources and volunteers, the role of adult and community education, libraries and community colleges in the learning community, and building level decision making. School board members, school building administrators, teachers and other school employees, pupils, parents of pupils attending that school, and other residents of the school district shall be invited and allowed to voluntarily participate in the development, review, and evaluation of the district's school improvement plans. Upon request of the board of a school district, the department and the intermediate school district shall assist the school district in the development and implementation of district school improvement plans. Educational organizations may also provide assistance for these purposes. School improvement plans described in this section shall be updated annually by each school and by the board of the school district.

(2) School improvement plans shall include at least all of the following additional matters:

(a) Goals centered on student academic learning.

(b) Strategies to accomplish the goals.

(c) Evaluation of the plan.

(d) Development of alternative measures of assessment that will provide authentic assessment of pupils' achievements, skills, and competencies.

(e) Methods for effective use of technology as a way of improving learning and delivery of services and for integration of evolving technology in the curriculum.

(f) Ways to make available in as many fields as practicable opportunities for structured on-the-job learning, such as apprenticeships and internships, combined with classroom instruction.

(3) Each intermediate school board shall adopt and implement and, not later than September 1 each year, shall make available to the department a copy of a 3- to 5-year intermediate school district school improvement plan and continuing school improvement process for the intermediate school district.

Constituent and intermediate school board members, school building administrators, teachers and other school employees, pupils, parents of pupils, and residents of the intermediate school district shall be invited and allowed to voluntarily participate in the development, review, and evaluation of the intermediate school district's school improvement plan. Upon request of the intermediate school board, the department shall assist the intermediate school district in the development and implementation of an intermediate school district school improvement plan. An intermediate school district school improvement plan described in this section shall be updated annually by the intermediate school board. An intermediate school district school improvement plan shall include at least all of the following:

- (a) Methods to assist districts in improving pupils' academic learning.
  - (b) Assurance that all pupils have reasonable access to all programs offered by the intermediate school district, including, but not limited to, transportation if necessary.
  - (c) A plan for professional development that supports academic learning.
  - (d) Methods to assist school districts in integrating applied academics and career and employability skills into all curricular areas.
  - (e) Ways to make available in as many fields as practicable opportunities for structured on-the-job learning, such as apprenticeships and internships, combined with classroom instruction.
  - (f) Collaborative efforts with supporting agencies that enhance academic learning.
  - (g) Long-range cost containment measures, including additional services that might be provided at reduced costs by the intermediate school district or through cooperative programs, and cost reduction programs such as interdistrict cooperation in special education and other programs and services.
  - (h) To the extent that it would improve school effectiveness, specific recommendations on consolidation or enhanced interdistrict cooperation, or both, along with possible sources of revenue.
  - (i) Evaluation of the plan.
- (4) The state board shall annually review a random sampling of school improvement plans. Based on its review, the state board shall annually submit a report on school improvement activities planned and accomplished by each of the school districts and intermediate school districts that were part of the sampling to the senate and house committees that have the responsibility for education legislation.

**History:** Add. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1993, Act 339, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1997, Act 179, Imd. Eff. Dec. 30, 1997.

**Popular name:** Act 451

### **380.1277a Accreditation of schools in school district; requirements.**

Sec. 1277a. (1) Beginning in the 1994-95 school year, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools in the school district to be accredited under section 1280, the board shall ensure all of the following:

- (a) That all information assembled regarding each school building within the school district to prepare the school's annual educational report, as described in section 1204a, is disaggregated by gender and is provided to the individuals participating in the development of the district's school improvement plan under section 1277.
- (b) That all gender equity issues raised by the disaggregated information described in subdivision (a) are addressed as part of the planning, development, implementation, evaluation, and updating of the school improvement plan of each school within the school district under section 1277 or, if such an issue is not addressed, that an explanation is made to the community of the reason or reasons why the issue is not addressed. An explanation for not addressing a gender equity issue may be included in the school's annual educational report under section 1204a.

(2) Upon request by a school district, intermediate school district, or school, the department shall provide advice and technical assistance to the district or school on meeting the requirements of this section.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

**Popular name:** Act 451

### **380.1278 Core academic curriculum.**

Sec. 1278. (1) In addition to the requirements for accreditation under section 1280 specified in that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall provide to all pupils attending public school in the district a core academic curriculum in compliance with subsection (3) in each of the curricular areas specified in the state board recommended model core academic curriculum content standards developed under subsection (2). The state board model core academic curriculum content standards shall encompass academic and cognitive instruction only. For purposes of this section, the state board model core academic curriculum content standards shall not include

attitudes, beliefs, or value systems that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society.

(2) Recommended model core academic curriculum content standards shall be developed and periodically updated by the state board, shall be in the form of knowledge and skill content standards that are recommended as state standards for adoption by public schools in local curriculum formulation and adoption, and shall be distributed to each school district in the state. The recommended model core academic curriculum content standards shall set forth desired learning objectives in math, science, reading, history, geography, economics, American government, and writing for all children at each stage of schooling and be based upon the "Michigan K-12 program standards of quality" to ensure that high academic standards, academic skills, and academic subject matters are built into the instructional goals of all school districts for all children. The state board also shall ensure that the Michigan educational assessment program and the Michigan merit examination are based on the state recommended model core curriculum content standards, are testing only for proficiency in basic and advanced academic skills and academic subject matter, and are not used to measure pupils' values or attitudes.

(3) The board of each school district, considering academic curricular objectives defined and recommended pursuant to subsection (2), shall do both of the following:

(a) Establish a core academic curriculum for its pupils at the elementary, middle, and secondary school levels. The core academic curriculum shall define academic objectives to be achieved by all pupils and shall be based upon the school district's educational mission, long-range pupil goals, and pupil performance objectives. The core academic curriculum may vary from the model core academic curriculum content standards recommended by the state board pursuant to subsection (2).

(b) After consulting with teachers and school building administrators, determine the aligned instructional program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught.

(4) The board may supplement the core academic curriculum by providing instruction through additional classes and programs.

(5) For all pupils, the subjects or courses, and the delivery of those including special assistance, that constitute the curriculum the pupils engage in shall assure the pupils have a realistic opportunity to learn all subjects and courses required by the district's core academic curriculum. A subject or course required by the core academic curriculum pursuant to subsection (3) shall be provided to all pupils in the school district by a school district, a consortium of school districts, or a consortium of 1 or more school districts and 1 or more intermediate school districts.

(6) To the extent practicable, the state board may adopt or develop academic objective-oriented high standards for knowledge and life skills, and a recommended core academic curriculum, for special education pupils for whom it may not be realistic or desirable to expect achievement of initial mastery of the state board recommended model core academic content standards objectives or of a high school diploma.

(7) The state board shall make available to all nonpublic schools in this state, as a resource for their consideration, the model core academic curriculum content standards developed for public schools pursuant to subsection (2) for the purpose of assisting the governing body of a nonpublic school in developing its core academic curriculum.

(8) Excluding special education pupils, pupils having a learning disability, and pupils with extenuating circumstances as determined by school officials, a pupil who does not score satisfactorily on the 4th or 7th grade Michigan educational assessment program reading test shall be provided special assistance reasonably expected to enable the pupil to bring his or her reading skills to grade level within 12 months.

(9) Any course that would have been considered a nonessential elective course under Snyder v Charlotte School Dist., 421 Mich 517 (1984), on April 13, 1990 shall continue to be offered to resident pupils of nonpublic schools on a shared time basis.

**History:** Add. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005.

**Popular name:** Act 451

### **380.1278a Requirements for high school diploma.**

Sec. 1278a. (1) Except as otherwise provided in this section or section 1278b, beginning with pupils entering grade 8 in 2006, the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil meets all of the following:

(a) Has successfully completed all of the following credit requirements of the Michigan merit standard before graduating from high school:

(i) At least 4 credits in mathematics that are aligned with subject area content expectations developed by



the department and approved by the state board under section 1278b, including completion of at least algebra I, geometry, and algebra II, or an integrated sequence of this course content that consists of 3 credits, and an additional mathematics credit, such as trigonometry, statistics, precalculus, calculus, applied math, accounting, business math, a retake of algebra II, a course in financial literacy as described in section 1165. A pupil may complete algebra II over 2 years with 2 credits awarded or over 1.5 years with 1.5 credits awarded for the purposes of this section and section 1278b. A pupil also may partially or fully fulfill the algebra II requirement by completing a department-approved formal career and technical education program or curriculum that has appropriate embedded mathematics content, such as a program or curriculum in electronics, machining, construction, welding, engineering, or renewable energy. Not later than 30 days after the effective date of the amendatory act that added the immediately preceding sentence, the department shall post on its website and submit to the senate and house standing committees on education guidelines for implementation of the immediately preceding sentence. Each pupil must successfully complete at least 1 mathematics course during his or her final year of high school enrollment. This subparagraph does not require completion of mathematics courses in any particular sequence.

(ii) At least 3 credits in social science that are aligned with subject area content expectations developed by the department and approved by the state board under section 1278b, including completion of at least 1 credit in United States history and geography, 1 credit in world history and geography, 1/2 credit in economics, and the civics course described in section 1166(2).

(iii) At least 1 credit in subject matter that includes both health and physical education aligned with guidelines developed by the department and approved by the state board under section 1278b.

(iv) At least 1 credit in visual arts, performing arts, or applied arts, as defined by the department, that is aligned with guidelines developed by the department and approved by the state board under section 1278b.

(v) The credit requirements specified in section 1278b(1).

(b) Meets the online course or learning experience requirement of this subsection. A school district or public school academy shall provide the basic level of technology and internet access required by the state board to complete the online course or learning experience. For a pupil to meet this requirement, the pupil shall meet either of the following, as determined by the school district or public school academy:

(i) Has successfully completed at least 1 course or learning experience that is presented online, as defined by the department.

(ii) The pupil's school district or public school academy has integrated an online experience throughout the high school curriculum by ensuring that each teacher of each course that provides the required credits of the Michigan merit curriculum has integrated an online experience into the course.

(2) In addition to the requirements under subsection (1), beginning with pupils entering grade 3 in 2006, the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil has successfully completed during grades 9 to 12 at least 2 credits, as determined by the department, in a language other than English, or the pupil has successfully completed at any time during grades K to 12 course work or other learning experiences that are substantially equivalent to 2 credits in a language other than English, based on guidelines developed by the department. For the purposes of this subsection, all of the following apply:

(a) American sign language is considered to be a language other than English.

(b) The pupil may meet all or part of this requirement with online course work.

(3) The requirements under this section and section 1278b for a high school diploma are in addition to any local requirements imposed by the board of a school district or board of directors of a public school academy. The board of a school district or board of directors of a public school academy, as a local requirement for a high school diploma, may require a pupil to complete the Michigan merit examination under section 1279g or may require a pupil to participate in the MIAccess assessments if appropriate for the pupil.

(4) For the purposes of this section and section 1278b, all of the following apply:

(a) A pupil is considered to have completed a credit if the pupil successfully completes the subject area content expectations or guidelines developed by the department that apply to the credit.

(b) A school district or public school academy shall base its determination of whether a pupil has successfully completed the subject area content expectations or guidelines developed by the department that apply to a credit at least in part on the pupil's performance on the assessments developed or selected by the department under section 1278b or on 1 or more assessments developed or selected by the school district or public school academy that measure a pupil's understanding of the subject area content expectations or guidelines that apply to the credit.

(c) A school district or public school academy shall also grant a pupil a credit if the pupil earns a qualifying score, as determined by the department, on the assessments developed or selected for the subject area by the department under section 1278b or the pupil earns a qualifying score, as determined by the school

district or public school academy, on 1 or more assessments developed or selected by the school district or public school academy that measure a pupil's understanding of the subject area content expectations or guidelines that apply to the credit.

(5) If a high school is designated by the superintendent of public instruction as a specialty school and the high school meets the requirements of subsection (6), then the pupils of the high school are not required to successfully complete the 4 credits in English language arts required under section 1278b(1)(a) or the 3 credits in social science required under subsection (1)(a)(ii) and the school district or public school academy is not required to ensure that each pupil is offered the curriculum necessary for meeting those English language arts or social science credit requirements. The superintendent of public instruction may designate up to 15 high schools that meet the requirements of this subsection as specialty schools. Subject to this maximum number, the superintendent of public instruction shall designate a high school as a specialty school if the superintendent of public instruction finds that the high school meets all of the following criteria:

(a) The high school incorporates a significant reading and writing component throughout its curriculum.

(b) The high school uses a specialized, innovative, and rigorous curriculum in such areas as performing arts, foreign language, extensive use of internships, or other learning innovations that conform to pioneering innovations among other leading national or international high schools.

(6) A high school that is designated by the superintendent of public instruction as a specialty school under subsection (5) is only exempt from requirements as described under subsection (5) as long as the superintendent of public instruction finds that the high school continues to meet all of the following requirements:

(a) The high school clearly states to prospective pupils and their parents that it does not meet the requirements of the Michigan merit standard under this section and section 1278b but is a designated specialty school that is exempt from some of those requirements and that a pupil who enrolls in the high school and subsequently transfers to a high school that is not a specialty school meeting the requirements of this subsection will be required to comply with the requirements of the Michigan merit standard under this section and section 1278b.

(b) For the most recent year for which the data are available, the mean scores on both the mathematics and science portions of the ACT examination for the pupils of the high school exceed by at least 10% the mean scores on the mathematics and science portions of the ACT examination for the pupils of the school district in which the greatest number of the pupils of the high school reside.

(c) For the most recent year for which the data are available, the high school had a graduation rate of at least 85%, as determined by the department.

(d) For the most recent year for which the data are available, at least 75% of the pupils who graduated from the high school the preceding year are enrolled in a postsecondary institution.

(e) All pupils of the high school are required to meet the mathematics credit requirements of subsection (1)(a)(i), with no modification of these requirements under section 1278b(5), and each pupil is offered the curriculum necessary to meet this requirement.

(f) All pupils of the high school are required to meet the science credit requirements of section 1278b(1)(b) and are also required to successfully complete at least 1 additional science credit, for a total of at least 4 science credits, with no modification of these requirements under section 1278b(5), and each pupil is offered the curriculum necessary to meet this requirement.

**History:** Add. 2006, Act 124, Imd. Eff. Apr. 20, 2006;—Am. 2008, Act 316, Imd. Eff. Dec. 18, 2008;—Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010.

**Compiler's note:** Former MCL 380.1278a, which pertained to pupil performance standards, was repealed by Act 289 of 1995, Eff. July 1, 1996.

**Popular name:** Act 451

\*\*\*\*\* 380.1278b THIS SECTION IS AMENDED EFFECTIVE JULY 1, 2011: See 380.1278b.amended \*\*\*\*\*

### **380.1278b Award of high school diploma; credit requirements; personal curriculum; annual report.**

Sec. 1278b. (1) Except as otherwise provided in this section or section 1278a, beginning with pupils entering grade 8 in 2006, as part of the requirements under section 1278a the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil has successfully completed all of the following credit requirements of the Michigan merit standard before graduating from high school:

(a) At least 4 credits in English language arts that are aligned with subject area content expectations

developed by the department and approved by the state board under this section.

(b) At least 3 credits in science that are aligned with subject area content expectations developed by the department and approved by the state board under this section, including completion of at least biology and either chemistry or physics. The legislature strongly encourages pupils to complete a fourth credit in science, such as forensics, astronomy, Earth science, agricultural science, environmental science, geology, physics or chemistry, physiology, or microbiology.

(c) The credit requirements specified in section 1278a(1)(a)(i) to (iv).

(2) If a pupil successfully completes 1 or more of the high school credits required under subsection (1) or under section 1278a(1) before entering high school, the pupil shall be given high school credit for that credit.

(3) For the purposes of this section and section 1278a, the department shall do all of the following:

(a) Develop subject area content expectations that apply to the credit requirements of the Michigan merit standard that are required under subsection (1)(a) and (b) and section 1278a(1)(a)(i) and (ii) and develop guidelines for the remaining credit requirements of the Michigan merit standard that are required under this section and section 1278a(1)(a), for the online course or learning experience required under section 1278a(1)(b), and for the requirements for a language other than English under section 1278a(2). All of the following apply to these subject area content expectations and guidelines:

(i) All subject area content expectations shall be consistent with the state board recommended model core academic curriculum content standards under section 1278. Subject area content expectations or guidelines shall not include attitudes, beliefs, or value systems that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society. The subject area content expectations shall require pupils to demonstrate critical thinking skills.

(ii) The subject area content expectations and the guidelines must be approved by the state board under subsection (4).

(iii) The subject area content expectations shall state in clear and measurable terms what pupils are expected to know upon completion of each credit.

(iv) The department shall complete the development of the subject area content expectations that apply to algebra I and the guidelines for the online course or learning experience under section 1278a(1)(b) not later than August 1, 2006.

(v) The department shall complete development of the subject area content expectations or guidelines that apply to each of the other credits required in the Michigan merit standard under subsection (1) and section 1278a(1)(a) not later than 1 year before the beginning of the school year in which a pupil entering high school in 2007 would normally be expected to complete the credit.

(vi) If the department has not completed development of the subject area content expectations that apply to a particular credit required in the Michigan merit standard under subsection (1) or section 1278a(1)(a) by the date required under this subdivision, a school district or public school academy may align the content of the credit with locally adopted standards.

(vii) Until all of the subject area content expectations and guidelines have been developed by the department and approved by the state board, the department shall submit a report at least every 6 months to the senate and house standing committees responsible for education legislation on the status of the development of the subject area content expectations and guidelines. The report shall detail any failure by the department to meet a deadline established under subparagraph (iv) or (v) and the reasons for that failure.

(b) Develop and implement a process for developing the subject area content expectations and guidelines required under this section. This process shall provide for all of the following:

(i) Soliciting input from all of the following groups:

(A) Recognized experts in the relevant subject areas.

(B) Representatives from 4-year colleges or universities, community colleges, and other postsecondary institutions.

(C) Teachers, administrators, and school personnel who have specialized knowledge of the subject area.

(D) Representatives from the business community.

(E) Representatives from vocational and career and technical education providers.

(F) Government officials, including officials from the legislature.

(G) Parents of public school pupils.

(ii) A review of the subject area content expectations or guidelines by national experts.

(iii) An opportunity for the public to review and provide input on the proposed subject area content expectations or guidelines before they are submitted to the state board for approval. The time period allowed for this review and input shall be at least 15 business days.

(c) Determine the basic level of technology and internet access required for pupils to complete the online course or learning experience requirement of section 1278a(1)(b), and submit that determination to the state

board for approval.

(d) Develop and make available material to assist school districts and public school academies in implementing the requirements of this section and section 1278a. This shall include developing guidelines for alternative instructional delivery methods as described in subsection (7).

(4) The state board shall approve subject area content expectations and guidelines developed by the department under subsection (3) before those subject area content expectations and guidelines may take effect. The state board also shall approve the basic level of technology and internet access required for pupils to complete the online course or learning experience requirement of section 1278a(1)(b).

(5) The parent or legal guardian of a pupil who has completed grade 9, a teacher who is currently teaching the pupil, who currently teaches in or whose expertise is in a subject area proposed to be modified by the personal curriculum, or who is determined by the principal to have qualifications otherwise relevant to developing a personal curriculum, or a school counselor or school employee qualified to act in a counseling role under section 1233 or 1233a may request a personal curriculum under this subsection for the pupil that modifies certain of the Michigan merit standard requirements under subsection (1) or section 1278a(1)(a). A teacher, school counselor, or school employee qualified to act in a counseling role under section 1233 or 1233a may contact a pupil's parent or legal guardian to discuss the possibility and potential benefits of a personal curriculum under this subsection for the pupil. If all of the requirements under this subsection for a personal curriculum are met, then the board of a school district or board of directors of a public school academy may award a high school diploma to a pupil who successfully completes his or her personal curriculum even if it does not meet the requirements of the Michigan merit standard required under subsection (1) and section 1278a(1)(a). All of the following apply to a personal curriculum:

(a) The personal curriculum shall be developed by a group that includes at least the pupil, at least 1 of the pupil's parents or the pupil's legal guardian, a teacher described in this subdivision, and the pupil's high school counselor or another designee qualified to act in a counseling role under section 1233 or 1233a selected by the high school principal. In addition, for a pupil who receives special education services, a school psychologist should also be included in this group. The teacher included in the group developing the personal curriculum shall be a teacher who is currently teaching the pupil, who currently teaches in or whose expertise is in a subject area being modified by the personal curriculum, or who is determined by the principal to have qualifications otherwise relevant to the group.

(b) The personal curriculum shall incorporate as much of the subject area content expectations of the Michigan merit standard required under subsection (1) and section 1278a(1)(a) as is practicable for the pupil; shall establish measurable goals that the pupil must achieve while enrolled in high school and shall provide a method to evaluate whether the pupil achieved these goals; and shall be aligned with the pupil's educational development plan developed under subsection (11).

(c) Before it takes effect, the personal curriculum must be agreed to by the pupil's parent or legal guardian and by the superintendent of the school district or chief executive of the public school academy or his or her designee.

(d) The pupil's parent or legal guardian shall be in communication with each of the pupil's teachers at least once each calendar quarter to monitor the pupil's progress toward the goals contained in the pupil's personal curriculum.

(e) Revisions may be made in the personal curriculum if the revisions are developed and agreed to in the same manner as the original personal curriculum.

(f) The English language arts credit requirements of subsection (1)(a) and the science credit requirements of subsection (1)(b) are not subject to modification as part of a personal curriculum under this subsection.

(g) Except as otherwise provided in this subdivision, the mathematics credit requirements of section 1278a(1)(a)(i) may be modified as part of a personal curriculum only after the pupil has completed, without necessarily having attained a passing grade in, at least 1-1/2 credits of the mathematics credits required under that section and only if the pupil successfully completes at least 3-1/2 total credits of the mathematics credits required under that section before completing high school. The requirement under section 1278a(1) that a pupil must successfully complete at least 1 mathematics course during his or her final year of high school enrollment is not subject to modification as part of a personal curriculum under this subsection. The algebra II credit required under that section may be modified as part of a personal curriculum under this subsection only if the pupil meets 1 or more of the following:

(i) Has successfully completed the same content as 1 semester of algebra II, as determined by the department.

(ii) Elects to complete the same content as algebra II over 2 years, with a credit awarded for each of those 2 years, and successfully completes that content.

(iii) Enrolls in a formal career and technical education program or curriculum and in that program or



curriculum successfully completes the same content as 1 semester of algebra II, as determined by the department.

(h) The social science credit requirements of section 1278a(1)(a)(ii) may be modified as part of a personal curriculum only if all of the following are met:

(i) The pupil has successfully completed 2 credits of the social science credits required under section 1278a(1), including the civics course described in section 1166(2).

(ii) The modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(i) The health and physical education credit requirement under section 1278a(1)(a)(iii) may be modified as part of a personal curriculum only if the modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(j) The visual arts, performing arts, or applied arts credit requirement under section 1278a(1)(a)(iv) may be modified as part of a personal curriculum only if the modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(k) If the parent or legal guardian of a pupil requests as part of the pupil's personal curriculum a modification of the Michigan merit standard requirements that would not otherwise be allowed under this section and demonstrates that the modification is necessary because the pupil is a child with a disability, the school district or public school academy may allow that additional modification to the extent necessary because of the pupil's disability if the group under subdivision (a) determines that the modification is consistent with both the pupil's educational development plan under subsection (11) and the pupil's individualized education program. If the superintendent of public instruction has reason to believe that a school district or a public school academy is allowing modifications inconsistent with the requirements of this subdivision, the superintendent of public instruction shall monitor the school district or public school academy to ensure that the school district's or public school academy's policies, procedures, and practices are in compliance with the requirements for additional modifications under this subdivision. As used in this subdivision, "child with a disability" means that term as defined in 20 USC 1401.

(l) If a pupil transfers to a school district or public school academy from out of state or from a nonpublic school, the pupil's parent or legal guardian may request, as part of the pupil's personal curriculum, a modification of the Michigan merit standard requirements that would not otherwise be allowed under this section. The school district or public school academy may allow this additional modification for a transfer pupil if all of the following are met:

(i) The transfer pupil has successfully completed at least the equivalent of 2 years of high school credit out of state or at a nonpublic school. The school district or public school academy may use appropriate assessment examinations to determine what credits, if any, the pupil has earned out of state or at a nonpublic school that may be used to satisfy the curricular requirements of the Michigan merit standard and this subdivision.

(ii) The transfer pupil's personal curriculum incorporates as much of the subject area content expectations of the Michigan merit standard as is practicable for the pupil.

(iii) The transfer pupil's personal curriculum requires the pupil to successfully complete at least 1 mathematics course during his or her final year of high school enrollment. In addition, if the transfer pupil is enrolled in the school district or public school academy for at least 1 full school year, both of the following apply:

(A) The transfer pupil's personal curriculum shall require that this mathematics course is at least algebra I.

(B) If the transfer pupil demonstrates that he or she has mastered the content of algebra I, the transfer pupil's personal curriculum shall require that this mathematics course is a course normally taken after completing algebra I.

(iv) The transfer pupil's personal curriculum includes the civics course described in section 1166(2).

(m) If a pupil is at least age 18 or is an emancipated minor, the pupil may act on his or her own behalf under this subsection.

(n) This subsection does not apply to a pupil enrolled in a high school that is designated as a specialty school under section 1278a(5) and that is exempt under that section from the English language arts requirement under subsection (1)(a) and the social science credit requirement under section 1278a(1)(a)(ii).



(6) If a pupil receives special education services, the pupil's individualized education program, in accordance with the individuals with disabilities education act, title VI of Public Law 91-230, shall identify the appropriate course or courses of study and identify the supports, accommodations, and modifications necessary to allow the pupil to progress in the curricular requirements of this section and section 1278a, or in a personal curriculum as provided under subsection (5), and meet the requirements for a high school diploma.

(7) The board of a school district or board of directors of a public school academy that operates a high school shall ensure that each pupil is offered the curriculum necessary for the pupil to meet the curricular requirements of this section and section 1278a. The board or board of directors may provide this curriculum by providing the credits specified in this section and section 1278a, by using alternative instructional delivery methods such as alternative course work, humanities course sequences, career and technical education, industrial technology courses, or vocational education, or by a combination of these. School districts and public school academies that operate career and technical education programs are encouraged to integrate the credit requirements of this section and section 1278a into those programs.

(8) If the board of a school district or board of directors of a public school academy wants its high school to be accredited under section 1280, the board or board of directors shall ensure that all elements of the curriculum required under this section and section 1278a are made available to all affected pupils. If a school district or public school academy does not offer all of the required credits, the board of the school district or board of directors of the public school academy shall ensure that the pupil has access to the required credits by another means, such as enrollment in a postsecondary course under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524; enrollment in an online course; a cooperative arrangement with a neighboring school district or with a public school academy; or granting approval under section 6(6) of the state school aid act of 1979, MCL 388.1606, for the pupil to be counted in membership in another school district.

(9) If a pupil is not successfully completing a credit required for graduation under this section and section 1278a, or is identified as being at risk of withdrawing from high school, then the pupil's school district or public school academy shall notify the pupil's parent or legal guardian or, if the pupil is at least age 18 or is an emancipated minor, the pupil, of the availability of tutoring or other supplemental educational support and counseling services that may be available to the pupil under existing state or federal programs, such as those programs or services available under section 31a of the state school aid act of 1979, MCL 388.1631a, or under the no child left behind act of 2001, Public Law 107-110.

(10) To the extent required by the no child left behind act of 2001, Public Law 107-110, the board of a school district or public school academy shall ensure that all components of the curricular requirements under this section and section 1278a are taught by highly qualified teachers. If a school district or public school academy demonstrates to the department that the school district or public school academy is unable to meet the requirements of this section because the school district or public school academy is unable to hire enough highly qualified teachers, the department shall work with the school district or public school academy to develop a plan to allow the school district or public school academy to hire enough highly qualified teachers to meet the requirements of this section.

(11) The board of a school district or board of directors of a public school academy shall ensure that each pupil in grade 7 is provided with the opportunity to develop an educational development plan, and that each pupil has developed an educational development plan before he or she begins high school. An educational development plan shall be developed by the pupil under the supervision of the pupil's school counselor or another designee qualified to act in a counseling role under section 1233 or 1233a selected by the high school principal and shall be based on a career pathways program or similar career exploration program. In addition, if the pupil receives special education services, a school psychologist should also participate in developing the pupil's educational development plan.

(12) Except as otherwise provided in this subsection, if a school district or public school academy is unable to implement all of the curricular requirements of this section and section 1278a for pupils entering grade 9 in 2007 or is unable to implement another requirement of this section or section 1278a, the school district or public school academy may apply to the department for permission to phase in 1 or more of the requirements of this section or section 1278a. To apply, the school district or public school academy shall submit a proposed phase-in plan to the department. The department shall approve a phase-in plan if the department determines that the plan will result in the school district or public school academy making satisfactory progress toward full implementation of the requirements of this section and section 1278a. If the department disapproves a proposed phase-in plan, the department shall work with the school district or public school academy to develop a satisfactory plan that may be approved. However, if legislation is enacted that adds section 1290 to allow school districts and public school academies to apply for a contract that waives certain state or federal requirements, then this subsection does not apply but a school district or public school

academy may take action as described in subsection (13). This subsection does not apply to a high school that is designated as a specialty school under section 1278a(5) and that is exempt under that section from the English language arts requirement under subsection (1)(a) and the social science credit requirement under section 1278a(1)(a)(ii).

(13) If a school district or public school academy does not offer all of the required credits or provide options to have access to the required credits as provided under subsection (8) and if legislation is enacted that adds section 1290 to allow school districts and public school academies to apply for a contract that waives certain state or federal requirements, then the school district or public school academy is encouraged to apply for a contract under section 1290. The purpose of a contract described in this subsection is to improve pupil performance.

(14) This section and section 1278a do not prohibit a pupil from satisfying or exceeding the credit requirements of the Michigan merit standard under this section and section 1278a through advanced studies such as accelerated course placement, advanced placement, dual enrollment in a postsecondary institution, or participation in the international baccalaureate program or an early college/middle college program.

(15) Not later than April 1 of each year, the department shall submit an annual report to the legislature that evaluates the overall success of the curriculum required under this section and section 1278a, the rigor and relevance of the course work required by the curriculum, the ability of public schools to implement the curriculum and the required course work, and the impact of the curriculum on pupil success, and that details any activities the department has undertaken to implement this section and section 1278a or to assist public schools in implementing the requirements of this section and section 1278a.

**History:** Add. 2006, Act 123, Imd. Eff. Apr. 20, 2006;—Am. 2006, Act 623, Imd. Eff. Jan. 3, 2007;—Am. 2007, Act 141, Imd. Eff. Nov. 14, 2007;—Am. 2009, Act 204, Imd. Eff. Jan. 4, 2010.

**Compiler's note:** Former MCL 380.1278b, which pertained to academic performance standards committee, was repealed by Act 289 of 1995, Eff. July 1, 1996.

**Popular name:** Act 451

\*\*\*\*\* 380.1278b.amended THIS AMENDED SECTION IS EFFECTIVE JULY 1, 2011 \*\*\*\*\*

### **380.1278b.amended Award of high school diploma; credit requirements; personal curriculum; annual report.**

Sec. 1278b. (1) Except as otherwise provided in this section or section 1278a, beginning with pupils entering grade 8 in 2006, as part of the requirements under section 1278a the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil has successfully completed all of the following credit requirements of the Michigan merit standard before graduating from high school:

(a) At least 4 credits in English language arts that are aligned with subject area content expectations developed by the department and approved by the state board under this section.

(b) At least 3 credits in science that are aligned with subject area content expectations developed by the department and approved by the state board under this section, including completion of at least biology and either chemistry or physics. The legislature strongly encourages pupils to complete a fourth credit in science, such as forensics, astronomy, Earth science, agricultural science, environmental science, geology, physics or chemistry, physiology, or microbiology.

(c) The credit requirements specified in section 1278a(1)(a)(i) to (iv).

(2) If a pupil successfully completes 1 or more of the high school credits required under subsection (1) or under section 1278a(1) before entering high school, the pupil shall be given high school credit for that credit.

(3) For the purposes of this section and section 1278a, the department shall do all of the following:

(a) Develop subject area content expectations that apply to the credit requirements of the Michigan merit standard that are required under subsection (1)(a) and (b) and section 1278a(1)(a)(i) and (ii) and develop guidelines for the remaining credit requirements of the Michigan merit standard that are required under this section and section 1278a(1)(a), for the online course or learning experience required under section 1278a(1)(b), and for the requirements for a language other than English under section 1278a(2). All of the following apply to these subject area content expectations and guidelines:

(i) All subject area content expectations shall be consistent with the state board recommended model core academic curriculum content standards under section 1278. Subject area content expectations or guidelines shall not include attitudes, beliefs, or value systems that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society. The subject area content expectations shall require pupils to demonstrate critical thinking skills.

(ii) The subject area content expectations and the guidelines must be approved by the state board under

subsection (4).

(iii) The subject area content expectations shall state in clear and measurable terms what pupils are expected to know upon completion of each credit.

(iv) The department shall complete the development of the subject area content expectations that apply to algebra I and the guidelines for the online course or learning experience under section 1278a(1)(b) not later than August 1, 2006.

(v) The department shall complete development of the subject area content expectations or guidelines that apply to each of the other credits required in the Michigan merit standard under subsection (1) and section 1278a(1)(a) not later than 1 year before the beginning of the school year in which a pupil entering high school in 2007 would normally be expected to complete the credit.

(vi) If the department has not completed development of the subject area content expectations that apply to a particular credit required in the Michigan merit standard under subsection (1) or section 1278a(1)(a) by the date required under this subdivision, a school district or public school academy may align the content of the credit with locally adopted standards.

(vii) Until all of the subject area content expectations and guidelines have been developed by the department and approved by the state board, the department shall submit a report at least every 6 months to the senate and house standing committees responsible for education legislation on the status of the development of the subject area content expectations and guidelines. The report shall detail any failure by the department to meet a deadline established under subparagraph (iv) or (v) and the reasons for that failure.

(b) Develop and implement a process for developing the subject area content expectations and guidelines required under this section. This process shall provide for all of the following:

(i) Soliciting input from all of the following groups:

(A) Recognized experts in the relevant subject areas.

(B) Representatives from 4-year colleges or universities, community colleges, and other postsecondary institutions.

(C) Teachers, administrators, and school personnel who have specialized knowledge of the subject area.

(D) Representatives from the business community.

(E) Representatives from vocational and career and technical education providers.

(F) Government officials, including officials from the legislature.

(G) Parents of public school pupils.

(ii) A review of the subject area content expectations or guidelines by national experts.

(iii) An opportunity for the public to review and provide input on the proposed subject area content expectations or guidelines before they are submitted to the state board for approval. The time period allowed for this review and input shall be at least 15 business days.

(c) Determine the basic level of technology and internet access required for pupils to complete the online course or learning experience requirement of section 1278a(1)(b), and submit that determination to the state board for approval.

(d) Develop and make available material to assist school districts and public school academies in implementing the requirements of this section and section 1278a. This shall include developing guidelines for alternative instructional delivery methods as described in subsection (7).

(4) The state board shall approve subject area content expectations and guidelines developed by the department under subsection (3) before those subject area content expectations and guidelines may take effect. The state board also shall approve the basic level of technology and internet access required for pupils to complete the online course or learning experience requirement of section 1278a(1)(b).

(5) The parent or legal guardian of a pupil who has completed grade 9, a teacher who is currently teaching the pupil, who currently teaches in or whose expertise is in a subject area proposed to be modified by the personal curriculum, or who is determined by the principal to have qualifications otherwise relevant to developing a personal curriculum, or a school counselor or school employee qualified to act in a counseling role under section 1233 or 1233a may request a personal curriculum under this subsection for the pupil that modifies certain of the Michigan merit standard requirements under subsection (1) or section 1278a(1)(a). A teacher, school counselor, or school employee qualified to act in a counseling role under section 1233 or 1233a may contact a pupil's parent or legal guardian to discuss the possibility and potential benefits of a personal curriculum under this subsection for the pupil. If all of the requirements under this subsection for a personal curriculum are met, then the board of a school district or board of directors of a public school academy may award a high school diploma to a pupil who successfully completes his or her personal curriculum even if it does not meet the requirements of the Michigan merit standard required under subsection (1) and section 1278a(1)(a). All of the following apply to a personal curriculum:

(a) The personal curriculum shall be developed by a group that includes at least the pupil, at least 1 of the

pupil's parents or the pupil's legal guardian, a teacher described in this subdivision, and the pupil's high school counselor or another designee qualified to act in a counseling role under section 1233 or 1233a selected by the high school principal. In addition, for a pupil who receives special education services, a school psychologist should also be included in this group. The teacher included in the group developing the personal curriculum shall be a teacher who is currently teaching the pupil, who currently teaches in or whose expertise is in a subject area being modified by the personal curriculum, or who is determined by the principal to have qualifications otherwise relevant to the group.

(b) The personal curriculum shall incorporate as much of the subject area content expectations of the Michigan merit standard required under subsection (1) and section 1278a(1)(a) as is practicable for the pupil; shall establish measurable goals that the pupil must achieve while enrolled in high school and shall provide a method to evaluate whether the pupil achieved these goals; and shall be aligned with the pupil's educational development plan developed under subsection (11).

(c) Before it takes effect, the personal curriculum must be agreed to by the pupil's parent or legal guardian and by the superintendent of the school district or chief executive of the public school academy or his or her designee.

(d) The pupil's parent or legal guardian shall be in communication with each of the pupil's teachers at least once each calendar quarter to monitor the pupil's progress toward the goals contained in the pupil's personal curriculum.

(e) Revisions may be made in the personal curriculum if the revisions are developed and agreed to in the same manner as the original personal curriculum.

(f) The English language arts credit requirements of subsection (1)(a) and the science credit requirements of subsection (1)(b) are not subject to modification as part of a personal curriculum under this subsection.

(g) The mathematics credit requirements of section 1278a(1)(a)(i) may be modified as part of a personal curriculum if the pupil successfully completes at least 3-1/2 total credits of the mathematics credits required under that section before completing high school, including algebra I and geometry, and successfully completes at least 1 mathematics course during his or her final year of high school. The algebra II credit required under that section may be modified as part of a personal curriculum under this subsection if the pupil meets 1 or more of the following:

(i) Successfully completes the same content as 1 semester of algebra II, as determined by the department.

(ii) Elects to complete the same content as algebra II over 2 years, with a credit awarded for each of those 2 years, and successfully completes that content.

(iii) Enrolls in a formal career and technical education program or curriculum and in that program or curriculum successfully completes the same content as 1 semester of algebra II, as determined by the department.

(iv) Successfully completes 1 semester of statistics or functions and data analysis.

(h) The social science credit requirements of section 1278a(1)(a)(ii) may be modified as part of a personal curriculum only if all of the following are met:

(i) The pupil has successfully completed 2 credits of the social science credits required under section 1278a(1), including the civics course described in section 1166(2).

(ii) The modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(i) The health and physical education credit requirement under section 1278a(1)(a)(iii) may be modified as part of a personal curriculum only if the modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(j) The visual arts, performing arts, or applied arts credit requirement under section 1278a(1)(a)(iv) may be modified as part of a personal curriculum only if the modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(k) If the parent or legal guardian of a pupil requests as part of the pupil's personal curriculum a modification of the Michigan merit standard requirements that would not otherwise be allowed under this section and demonstrates that the modification is necessary because the pupil is a child with a disability, the school district or public school academy may allow that additional modification to the extent necessary because of the pupil's disability if the group under subdivision (a) determines that the modification is



consistent with both the pupil's educational development plan under subsection (11) and the pupil's individualized education program. If the superintendent of public instruction has reason to believe that a school district or a public school academy is allowing modifications inconsistent with the requirements of this subdivision, the superintendent of public instruction shall monitor the school district or public school academy to ensure that the school district's or public school academy's policies, procedures, and practices are in compliance with the requirements for additional modifications under this subdivision. As used in this subdivision, "child with a disability" means that term as defined in 20 USC 1401.

(I) If a pupil transfers to a school district or public school academy from out of state or from a nonpublic school, the pupil's parent or legal guardian may request, as part of the pupil's personal curriculum, a modification of the Michigan merit standard requirements that would not otherwise be allowed under this section. The school district or public school academy may allow this additional modification for a transfer pupil if all of the following are met:

(i) The transfer pupil has successfully completed at least the equivalent of 2 years of high school credit out of state or at a nonpublic school. The school district or public school academy may use appropriate assessment examinations to determine what credits, if any, the pupil has earned out of state or at a nonpublic school that may be used to satisfy the curricular requirements of the Michigan merit standard and this subdivision.

(ii) The transfer pupil's personal curriculum incorporates as much of the subject area content expectations of the Michigan merit standard as is practicable for the pupil.

(iii) The transfer pupil's personal curriculum requires the pupil to successfully complete at least 1 mathematics course during his or her final year of high school enrollment. In addition, if the transfer pupil is enrolled in the school district or public school academy for at least 1 full school year, both of the following apply:

(A) The transfer pupil's personal curriculum shall require that this mathematics course is at least algebra I.

(B) If the transfer pupil demonstrates that he or she has mastered the content of algebra I, the transfer pupil's personal curriculum shall require that this mathematics course is a course normally taken after completing algebra I.

(iv) The transfer pupil's personal curriculum includes the civics course described in section 1166(2).

(m) If a pupil is at least age 18 or is an emancipated minor, the pupil may act on his or her own behalf under this subsection.

(n) This subsection does not apply to a pupil enrolled in a high school that is designated as a specialty school under section 1278a(5) and that is exempt under that section from the English language arts requirement under subsection (1)(a) and the social science credit requirement under section 1278a(1)(a)(ii).

(6) If a pupil receives special education services, the pupil's individualized education program, in accordance with the individuals with disabilities education act, title VI of Public Law 91-230, shall identify the appropriate course or courses of study and identify the supports, accommodations, and modifications necessary to allow the pupil to progress in the curricular requirements of this section and section 1278a, or in a personal curriculum as provided under subsection (5), and meet the requirements for a high school diploma.

(7) The board of a school district or board of directors of a public school academy that operates a high school shall ensure that each pupil is offered the curriculum necessary for the pupil to meet the curricular requirements of this section and section 1278a. The board or board of directors may provide this curriculum by providing the credits specified in this section and section 1278a, by using alternative instructional delivery methods such as alternative course work, humanities course sequences, career and technical education, industrial technology courses, or vocational education, or by a combination of these. School districts and public school academies that operate career and technical education programs are encouraged to integrate the credit requirements of this section and section 1278a into those programs.

(8) If the board of a school district or board of directors of a public school academy wants its high school to be accredited under section 1280, the board or board of directors shall ensure that all elements of the curriculum required under this section and section 1278a are made available to all affected pupils. If a school district or public school academy does not offer all of the required credits, the board of the school district or board of directors of the public school academy shall ensure that the pupil has access to the required credits by another means, such as enrollment in a postsecondary course under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524; enrollment in an online course; a cooperative arrangement with a neighboring school district or with a public school academy; or granting approval under section 6(6) of the state school aid act of 1979, MCL 388.1606, for the pupil to be counted in membership in another school district.

(9) If a pupil is not successfully completing a credit required for graduation under this section and section 1278a, or is identified as being at risk of withdrawing from high school, then the pupil's school district or



public school academy shall notify the pupil's parent or legal guardian or, if the pupil is at least age 18 or is an emancipated minor, the pupil, of the availability of tutoring or other supplemental educational support and counseling services that may be available to the pupil under existing state or federal programs, such as those programs or services available under section 31a of the state school aid act of 1979, MCL 388.1631a, or under the no child left behind act of 2001, Public Law 107-110.

(10) To the extent required by the no child left behind act of 2001, Public Law 107-110, the board of a school district or public school academy shall ensure that all components of the curricular requirements under this section and section 1278a are taught by highly qualified teachers. If a school district or public school academy demonstrates to the department that the school district or public school academy is unable to meet the requirements of this section because the school district or public school academy is unable to hire enough highly qualified teachers, the department shall work with the school district or public school academy to develop a plan to allow the school district or public school academy to hire enough highly qualified teachers to meet the requirements of this section.

(11) The board of a school district or board of directors of a public school academy shall provide the opportunity for each pupil to develop an educational development plan during grade 7, and shall ensure that each pupil reviews his or her educational development plan during grade 8 and revises it as appropriate before he or she begins high school. An educational development plan shall be developed, reviewed, and revised by the pupil under the supervision of the pupil's school counselor or another designee qualified to act in a counseling role under section 1233 or 1233a selected by the school principal and shall be based on high school readiness scores and a career pathways program or similar career exploration program. An educational development plan shall be designed to assist pupils to identify career development goals as they relate to academic requirements.

(12) Except as otherwise provided in this subsection, if a school district or public school academy is unable to implement all of the curricular requirements of this section and section 1278a for pupils entering grade 9 in 2007 or is unable to implement another requirement of this section or section 1278a, the school district or public school academy may apply to the department for permission to phase in 1 or more of the requirements of this section or section 1278a. To apply, the school district or public school academy shall submit a proposed phase-in plan to the department. The department shall approve a phase-in plan if the department determines that the plan will result in the school district or public school academy making satisfactory progress toward full implementation of the requirements of this section and section 1278a. If the department disapproves a proposed phase-in plan, the department shall work with the school district or public school academy to develop a satisfactory plan that may be approved. However, if legislation is enacted that adds section 1290 to allow school districts and public school academies to apply for a contract that waives certain state or federal requirements, then this subsection does not apply but a school district or public school academy may take action as described in subsection (13). This subsection does not apply to a high school that is designated as a specialty school under section 1278a(5) and that is exempt under that section from the English language arts requirement under subsection (1)(a) and the social science credit requirement under section 1278a(1)(a)(ii).

(13) If a school district or public school academy does not offer all of the required credits or provide options to have access to the required credits as provided under subsection (8) and if legislation is enacted that adds section 1290 to allow school districts and public school academies to apply for a contract that waives certain state or federal requirements, then the school district or public school academy is encouraged to apply for a contract under section 1290. The purpose of a contract described in this subsection is to improve pupil performance.

(14) This section and section 1278a do not prohibit a pupil from satisfying or exceeding the credit requirements of the Michigan merit standard under this section and section 1278a through advanced studies such as accelerated course placement, advanced placement, dual enrollment in a postsecondary institution, or participation in the international baccalaureate program or an early college/middle college program.

(15) Not later than April 1 of each year, the department shall submit an annual report to the legislature that evaluates the overall success of the curriculum required under this section and section 1278a, the rigor and relevance of the course work required by the curriculum, the ability of public schools to implement the curriculum and the required course work, and the impact of the curriculum on pupil success, and that details any activities the department has undertaken to implement this section and section 1278a or to assist public schools in implementing the requirements of this section and section 1278a.

**History:** Add. 2006, Act 123, Imd. Eff. Apr. 20, 2006;—Am. 2006, Act 623, Imd. Eff. Jan. 3, 2007;—Am. 2007, Act 141, Imd. Eff. Nov. 14, 2007;—Am. 2009, Act 204, Imd. Eff. Jan. 4, 2010;—Am. 2010, Act 80, Eff. July 1, 2011.

**Compiler's note:** Former MCL 380.1278b, which pertained to academic performance standards committee, was repealed by Act 289 of 1995, Eff. July 1, 1996.

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Page 84 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

### **380.1279 State assessments to high school pupils.**

Sec. 1279. (1) Subject to subsection (13) and section 1279g, until the end of the 2005-2006 school year, the board of a school district or board of directors of a public school academy shall administer state assessments to high school pupils in the subject areas of English language arts, mathematics, science, and social studies. The board shall include on the pupil's high school transcript all of the following:

(a) For each high school graduate who has completed a subject area assessment under this section, the pupil's scaled score on the assessment.

(b) If the pupil's scaled score on a subject area assessment falls within the range required under subsection (2) for "exceeds expectations", "meets expectations", or "basic", an indication that the pupil has achieved state endorsement for that subject area.

(c) The number of school days the pupil was in attendance at school each school year during high school and the total number of school days in session for each of those school years.

(2) The superintendent of public instruction shall develop scaled scores for reporting subject area assessment results for each of the subject areas under this section. The superintendent of public instruction shall establish 4 categories for each subject area indicating exceeds expectations, meets expectations, basic, and below basic, and shall establish the scaled score range required for each category. The superintendent of public instruction shall design and distribute to school districts, intermediate school districts, public school academies, and nonpublic schools a simple and concise document that describes these categories in each subject area and indicates the scaled score ranges for each category in each subject area. A school district or public school academy may award a high school diploma to a pupil who successfully completes local school district or public school academy requirements established in accordance with state law for high school graduation, regardless of whether the pupil is eligible for any state endorsement.

(3) The assessments administered for the purposes of this section shall be administered to pupils during the last 90 school days of grade 11. The superintendent of public instruction shall ensure that the assessments are scored and the scores are returned to pupils, their parents or legal guardians, and school districts or public school academies not later than the beginning of the pupil's first semester of grade 12. The returned scores shall indicate the pupil's scaled score for each subject area assessment, the range of scaled scores for each subject area, and the range of scaled scores required for each category established under subsection (2). In reporting the scores to pupils, parents, and schools, the superintendent of public instruction shall provide specific, meaningful, and timely feedback on the pupil's performance on the assessment.

(4) Beginning with assessments conducted in the 2005-2006 school year, all of the following apply to the assessments under this section:

(a) The superintendent of public instruction shall ensure that any contractor used for scoring the assessment supplies an individual report for each pupil that will identify for the pupil's parents and teachers whether the pupil met expectations or failed to meet expectations for each standard, to allow the pupil's parents and teachers to assess and remedy problems before the pupil moves to the next grade.

(b) The superintendent of public instruction shall ensure that any contractor used for scoring, developing, or processing an assessment instrument meets quality management standards commonly used in the assessment industry, including at least meeting level 2 of the capability maturity model developed by the software engineering institute of Carnegie Mellon university for the 2005-2006 school year assessments and at least meeting level 3 of the capability maturity model for subsequent assessments.

(c) The superintendent of public instruction shall ensure that any contract it enters into for scoring, administering, or developing an assessment instrument includes specific deadlines for all steps of the assessment process, including, but not limited to, deadlines for the correct testing materials to be supplied to schools and for the correct results to be returned to schools, and includes penalties for noncompliance with these deadlines.

(d) The superintendent of public instruction shall ensure that the assessment instruments meet all of the following:

(i) Are designed to test pupils on grade level content expectations or course content expectations, as appropriate, in all subjects tested.

(ii) Comply with requirements of the no child left behind act of 2001, Public Law 107-110.

(iii) Are consistent with the code of fair testing practices in education prepared by the joint committee on testing practices of the American psychological association.

(iv) Are factually accurate. If the superintendent of public instruction determines that a question is not factually accurate and should be removed from an assessment instrument, the state board and the superintendent of public instruction shall ensure that the question is removed from the assessment instrument.

(5) For each pupil who does not achieve proficiency in 1 or more subject areas, the board of the school district or public school academy in which the pupil is enrolled shall provide that there be at least 1 meeting attended by at least the pupil and a member of the school district's or public school academy's staff or a local or intermediate school district consultant who is proficient in the measurement and evaluation of pupils. The school district or public school academy may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the school district or public school academy shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil's parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection shall be to determine an educational program for the pupil designed to have the pupil achieve state endorsement in each subject area in which he or she did not achieve state endorsement. In addition, a school district or public school academy may provide for subsequent meetings with the pupil conducted by a high school counselor or teacher designated by the pupil's high school principal, and shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The school district or public school academy shall provide special programs for the pupil or develop a program using the educational programs regularly provided by the district unless the board of the school district or public school academy decides otherwise and publishes and explains its decision in a public justification report.

(6) A pupil who wants to repeat an assessment administered under this section may repeat the assessment, without charge to the pupil, in the next school year or after graduation. An individual may repeat an assessment at any time the school district or public school academy administers an applicable assessment instrument or during a retesting period under subsection (8).

(7) The superintendent of public instruction shall ensure that the length of the assessments used for the purposes of this section and the combined total time necessary to administer all of the assessments are the shortest possible that will still maintain the degree of reliability and validity of the assessment results determined necessary by the superintendent of public instruction. The superintendent of public instruction shall ensure that the maximum total combined length of time that schools are required to set aside for administration of all of the assessments used for the purposes of this section does not exceed 8 hours. However, this subsection does not limit the amount of time that individuals may have to complete the assessments.

(8) The superintendent of public instruction shall establish, schedule, and arrange periodic retesting periods throughout the year until the end of the 2006-2007 school year for individuals who desire to repeat an assessment under this section. The superintendent of public instruction shall coordinate the arrangements for administering the repeat assessments and shall ensure that the retesting is made available at least within each intermediate school district and, to the extent possible, within each school district.

(9) A school district or public school academy shall provide accommodations to a pupil with disabilities for the assessments required under this section, as provided under section 504 of title V of the rehabilitation act of 1973, 29 USC 794; subtitle A of title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12134; the individuals with disabilities education act amendments of 1997, Public Law 105-17; and the implementing regulations for those statutes.

(10) For the purposes of this section, the superintendent of public instruction shall develop or select and approve assessment instruments to measure pupil performance in English language arts, mathematics, social studies, and science. The assessment instruments shall be based on grade level content expectations or course content expectations, as appropriate.

(11) All assessment instruments developed or selected and approved by the state under any statute or rule for a purpose related to K to 12 education shall be objective-oriented and consistent with grade level content expectations or course content expectations, as appropriate.

(12) Until the end of the 2006-2007 school year, a person who has graduated from high school after 1996 and who has not previously taken an assessment under this section may take an assessment used for the purposes of this section, without charge to the person, at the school district from which he or she graduated from high school at any time that school district administers the assessment or during a retesting period scheduled under subsection (8) and have his or her scaled score on the assessment included on his or her high school transcript. If the person's scaled score on a subject area assessment falls within the range required under subsection (2) for a category established under subsection (2), the school district shall also indicate on the person's high school transcript that the person has achieved state endorsement for that subject area.

(13) Until the end of the 2006-2007 school year, a person who has previously taken an assessment under this section may take a retest on the assessment for the purposes of qualifying for a Michigan merit award under the Michigan merit award scholarship act, 1999 PA 94, MCL 390.1451 to 390.1459. The person may take the retest, without charge to the person, at the school district in which he or she is enrolled or resides or,

if it is not available in that school district, at another location within the intermediate school district in which he or she resides, at a regular testing time scheduled for the assessment or during a retesting period scheduled under subsection (8).

(14) A child who is a student in a nonpublic school or home school may take an assessment under this section. To take an assessment, a child who is a student in a home school shall contact the school district in which the child resides, and that school district shall administer the assessment, or the child may take the assessment at a nonpublic school if allowed by the nonpublic school. Upon request from a nonpublic school, the superintendent of public instruction shall supply assessments and the nonpublic school may administer the assessment. If a school district administers an assessment under this subsection to a child who is not enrolled in the school district, the scores for that child are not considered for any purpose to be scores of a pupil of the school district.

(15) The purpose of the assessment under this section is to assess pupil performance in mathematics, science, social studies, and communication arts for the purpose of improving academic achievement and establishing a statewide standard of competency. The assessment under this section provides a common measure of data that will contribute to the improvement of Michigan schools' curriculum and instruction by encouraging alignment with Michigan's curriculum framework standards. These standards are based upon the expectations of what pupils should know and be able to do by the end of grade 11.

(16) As used in this section:

(a) "English language arts" means reading and writing.

(b) "Social studies" means United States history, world history, world geography, economics, and American government.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1997, Act 25, Imd. Eff. June 16, 1997;—Am. 1997, Act 175, Imd. Eff. Dec. 30, 1997;—Am. 2004, Act 399, Imd. Eff. Oct. 15, 2004;—Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005.

**Popular name:** Act 451

### **380.1279a Report of irregularities; notice to school district or public school academy.**

Sec. 1279a. If the superintendent of public instruction has reason to suspect that there are irregularities in a school district's or public school academy's administration of, or preparation of pupils for, a Michigan educational assessment program (MEAP) test or the Michigan merit examination, the superintendent of public instruction shall not report the suspected irregularities to any person or entity not involved in the scoring or administration of the test before notifying the school district or public school academy of the suspected irregularities and allowing at least 5 business days for school officials to respond.

**History:** Add. 2002, Act 592, Eff. Dec. 23, 2002;—Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005.

**Compiler's note:** Former MCL 380.1279a, which pertained to pupil assessment, use of criteria based strategies, and pupil portfolios, was repealed by Act 289 of 1995, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1279b Credit awarded to pupil not enrolled in course.**

Sec. 1279b. The board of a school district shall grant high school credit in any course to a pupil enrolled in high school, but who is not enrolled in the course, who has exhibited a reasonable level of mastery of the subject matter of the course by attaining a grade of not less than C+ in a final exam in the course, or, if there is no final exam, by exhibiting that mastery through the basic assessment used in the course which may consist of a portfolio, performance, paper, project, or presentation. For the purpose of earning credit under this section, any high school pupil may take the final examination in any course. Credit earned under this section shall be based on a "pass" grade and shall not be included in a computation of grade point average for any purpose. Credit earned under this section may or may not be counted toward graduation, as the board of the school district may determine, but the board's determination shall apply equally to all such credit for all pupils and credit earned under this section shall be counted toward fulfillment of a requirement for a subject area course and shall be counted toward fulfillment of a requirement as to course sequence. Once credit is earned under this section, a pupil may not receive credit thereafter for a course lower in course sequence concerning the same subject area.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

**Popular name:** Act 451

### **380.1279c Use of tests to measure pupils' values or attitudes prohibited.**

Sec. 1279c. The state board, the superintendent of public instruction, the board of each school district, and each public school academy shall ensure that the Michigan educational assessment program (MEAP) tests and

the Michigan merit examination are not used to measure pupils' values or attitudes.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005.

**Compiler's note:** For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

**Popular name:** Act 451

### **380.1279d Report of irregularities to any person or entity involved in scoring or administration.**

Sec. 1279d. If the superintendent of public instruction or any other state agency has reason to suspect that there are irregularities in a school district's or public school academy's administration of, or preparation of pupils for, a Michigan educational assessment program (MEAP) test or the Michigan merit examination, the superintendent of public instruction or other state agency shall not report the suspected irregularities to any person or entity not involved in the scoring or administration of the test before notifying the school district or public school academy of the suspected irregularities and allowing at least 5 business days for school officials to respond.

**History:** Add. 2002, Act 640, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 399, Imd. Eff. Oct. 15, 2004;—Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005.

**Compiler's note:** Former MCL 380.1279d, which pertained to the student portfolio, was repealed by Act 289 of 1995, Eff. July 1, 1996.

For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

**Popular name:** Act 451

### **380.1279e High school credit in foreign language.**

Sec. 1279e. The board of a school district shall grant high school credit in a foreign language to a pupil enrolled in high school who has demonstrated proficiency in a foreign language outside of a public or private high school curriculum. Proficiency may be demonstrated by a competency test or other criteria established by the board.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

**Popular name:** Act 451

### **380.1279f Repealed. 1997, Act 177, Eff. June 30, 2001.**

**Compiler's note:** The repealed section pertained to qualifications for postsecondary courses.

**Popular name:** Act 451

### **380.1279g Michigan merit examination; definitions.**

Sec. 1279g. (1) The board of a school district or board of directors of a public school academy shall comply with this section and shall administer the Michigan merit examination to pupils in grade 11, and to pupils in grade 12 who did not take the complete Michigan merit examination in grade 11, as provided in this section.

(2) For the purposes of this section, the department of management and budget shall contract with 1 or more providers to develop, supply, and score the Michigan merit examination. The Michigan merit examination shall consist of all of the following:

(a) Assessment instruments that measure English language arts, mathematics, reading, and science and are used by colleges and universities in this state for entrance or placement purposes. This shall include a writing component in which the pupil produces an extended writing sample. The Michigan merit examination shall not require any other extended writing sample.

(b) One or more tests from 1 or more test developers that assess a pupil's ability to apply at least reading and mathematics skills in a manner that is intended to allow employers to use the results in making employment decisions. The department of management and budget and the superintendent of public instruction shall ensure that any test or tests selected under this subdivision have all the components necessary to allow a pupil to be eligible to receive the results of a nationally recognized evaluation of workforce readiness if the pupil's test performance is adequate.

(c) A social studies component.

(d) Any other component that is necessary to obtain the approval of the United States department of education to use the Michigan merit examination for the purposes of the no child left behind act of 2001, Public Law 107-110.

(3) In addition to all other requirements of this section, all of the following apply to the Michigan merit



examination:

(a) The department of management and budget and the superintendent of public instruction shall ensure that any contractor used for scoring the Michigan merit examination supplies an individual report for each pupil that will identify for the pupil's parents and teachers whether the pupil met expectations or failed to meet expectations for each standard, to allow the pupil's parents and teachers to assess and remedy problems before the pupil moves to the next grade.

(b) The department of management and budget and the superintendent of public instruction shall ensure that any contractor used for scoring, developing, or processing the Michigan merit examination meets quality management standards commonly used in the assessment industry, including at least meeting level 2 of the capability maturity model developed by the software engineering institute of Carnegie Mellon university for the first year the Michigan merit examination is offered to all grade 11 pupils and at least meeting level 3 of the capability maturity model for subsequent years.

(c) The department of management and budget and the superintendent of public instruction shall ensure that any contract for scoring, administering, or developing the Michigan merit examination includes specific deadlines for all steps of the assessment process, including, but not limited to, deadlines for the correct testing materials to be supplied to schools and for the correct results to be returned to schools, and includes penalties for noncompliance with these deadlines.

(d) The superintendent of public instruction shall ensure that the Michigan merit examination meets all of the following:

(i) Is designed to test pupils on grade level content expectations or course content expectations, as appropriate, in all subjects tested.

(ii) Complies with requirements of the no child left behind act of 2001, Public Law 107-110.

(iii) Is consistent with the code of fair testing practices in education prepared by the joint committee on testing practices of the American psychological association.

(iv) Is factually accurate. If the superintendent of public instruction determines that a question is not factually accurate and should be excluded from scoring, the state board and the superintendent of public instruction shall ensure that the question is excluded from scoring.

(4) A school district or public school academy that operates a high school shall include on each pupil's high school transcript all of the following:

(a) For each high school graduate who has completed the Michigan merit examination under this section, the pupil's scaled score on each subject area component of the Michigan merit examination.

(b) The number of school days the pupil was in attendance at school each school year during high school and the total number of school days in session for each of those school years.

(5) The superintendent of public instruction shall work with the provider or providers of the Michigan merit examination to produce Michigan merit examination subject area scores for each pupil participating in the Michigan merit examination, including scaling and merging of test items for the different subject area components. The superintendent of public instruction shall design and distribute to school districts, public school academies, intermediate school districts, and nonpublic schools a simple and concise document that describes the scoring for each subject area and indicates the scaled score ranges for each subject area.

(6) The Michigan merit examination shall be administered each year after March 1 and before June 1 to pupils in grade 11. The superintendent of public instruction shall ensure that the Michigan merit examination is scored and the scores are returned to pupils, their parents or legal guardians, and schools not later than the beginning of the pupil's first semester of grade 12. The returned scores shall indicate at least the pupil's scaled score for each subject area component and the range of scaled scores for each subject area. In reporting the scores to pupils, parents, and schools, the superintendent of public instruction shall provide standards-specific, meaningful, and timely feedback on the pupil's performance on the Michigan merit examination.

(7) A school district or public school academy shall administer the complete Michigan merit examination to a pupil only once and shall not administer the complete Michigan merit examination to the same pupil more than once. If a pupil does not take the complete Michigan merit examination in grade 11, the school district or public school academy shall administer the complete Michigan merit examination to the pupil in grade 12. If a pupil chooses to retake the college entrance examination component of the Michigan merit examination, as described in subsection (2)(a), the pupil may do so through the provider of the college entrance examination component and the cost of the retake is the responsibility of the pupil unless all of the following are met:

(a) The pupil has taken the complete Michigan merit examination.

(b) The pupil did not qualify for a Michigan promise grant under section 6 of the Michigan promise grant act, 2006 PA 479, MCL 390.1626, based on the pupil's performance on the complete Michigan merit examination.

(c) The pupil meets the income eligibility criteria for free breakfast, lunch, or milk, as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769i.

(d) The pupil has applied to the provider of the college entrance examination component for a scholarship or fee waiver to cover the cost of the retake and that application has been denied.

(e) After taking the complete Michigan merit examination, the pupil has not already received a free retake of the college entrance examination component paid for either by this state or through a scholarship or fee waiver by the provider.

(8) The superintendent of public instruction shall ensure that the length of the Michigan merit examination and the combined total time necessary to administer all of the components of the Michigan merit examination are the shortest possible that will still maintain the degree of reliability and validity of the Michigan merit examination results determined necessary by the superintendent of public instruction. The superintendent of public instruction shall ensure that the maximum total combined length of time that schools are required to set aside for pupils to answer all test questions on the Michigan merit examination does not exceed 8 hours if the superintendent of public instruction determines that sufficient alignment to applicable Michigan merit curriculum content standards can be achieved within that time limit.

(9) A school district or public school academy shall provide accommodations to a pupil with disabilities for the Michigan merit examination, as provided under section 504 of title V of the rehabilitation act of 1973, 29 USC 794; subtitle A of title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12134; the individuals with disabilities education act amendments of 1997, Public Law 105-17; and the implementing regulations for those statutes. The provider or providers of the Michigan merit examination and the superintendent of public instruction shall mutually agree upon the accommodations to be provided under this subsection.

(10) To the greatest extent possible, the Michigan merit examination shall be based on grade level content expectations or course content expectations, as appropriate. Not later than July 1, 2008, the department shall identify specific grade level content expectations to be taught before and after the middle of grade 11, so that teachers will know what content will be covered within the Michigan merit examination.

(11) A child who is a student in a nonpublic school or home school may take the Michigan merit examination under this section. To take the Michigan merit examination, a child who is a student in a home school shall contact the school district in which the child resides, and that school district shall administer the Michigan merit examination, or the child may take the Michigan merit examination at a nonpublic school if allowed by the nonpublic school. Upon request from a nonpublic school, the superintendent of public instruction shall direct the provider or providers to supply the Michigan merit examination to the nonpublic school and the nonpublic school may administer the Michigan merit examination. If a school district administers the Michigan merit examination under this subsection to a child who is not enrolled in the school district, the scores for that child are not considered for any purpose to be scores of a pupil of the school district.

(12) In contracting under subsection (2), the department of management and budget shall consider a contractor that provides electronically-scored essays with the ability to score constructed response feedback in multiple languages and provide ongoing instruction and feedback.

(13) The purpose of the Michigan merit examination is to assess pupil performance in mathematics, science, social studies, and English language arts for the purpose of improving academic achievement and establishing a statewide standard of competency. The assessment under this section provides a common measure of data that will contribute to the improvement of Michigan schools' curriculum and instruction by encouraging alignment with Michigan's curriculum framework standards and promotes pupil participation in higher level mathematics, science, social studies, and English language arts courses. These standards are based upon the expectations of what pupils should learn through high school and are aligned with national standards.

(14) As used in this section:

(a) "English language arts" means reading and writing.

(b) "Social studies" means United States history, world history, world geography, economics, and American government.

**History:** Add. 2004, Act 596, Imd. Eff. Jan. 5, 2005;—Am. 2008, Act 349, Imd. Eff. Dec. 23, 2008.

**Popular name:** Act 451

### **380.1280 Accreditation.**

Sec. 1280. (1) The board of a school district that does not want to be subject to the measures described in this section shall ensure that each public school within the school district is accredited.

(2) As used in subsection (1), and subject to subsection (6), "accredited" means certified by the

superintendent of public instruction as having met or exceeded standards established under this section for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student performance. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving testimony concerning the standards. After a review of the testimony, the department shall revise and submit the proposed standards to the superintendent of public instruction. After a review and revision, if appropriate, of the proposed standards, the superintendent of public instruction shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees, the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes. The superintendent of public instruction shall review and update the accreditation standards annually using the process prescribed under this subsection.

(4) The superintendent of public instruction shall develop and distribute to all public schools standards for determining that a school is eligible for summary accreditation under subsection (6). The standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3) for accreditation standards, and shall be finally distributed and implemented not later than December 31, 1994.

(5) The standards for accreditation or summary accreditation under this section shall include as criteria pupil performance on Michigan education assessment program (MEAP) tests and on the Michigan merit examination under section 1279g and, until the Michigan merit examination has been fully implemented, the percentage of pupils achieving state endorsement under section 1279, but shall not be based solely on pupil performance on MEAP tests or the Michigan merit examination or on the percentage of pupils achieving state endorsement under section 1279. The standards shall also include as criteria multiple year change in pupil performance on MEAP tests and the Michigan merit examination and, until after the Michigan merit examination is fully implemented, multiple year change in the percentage of pupils achieving state endorsement under section 1279. If it is necessary for the superintendent of public instruction to revise accreditation or summary accreditation standards established under subsection (3) or (4) to comply with this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

(6) If the superintendent of public instruction determines that a public school has met the standards established under subsection (4) or (5) for summary accreditation, the school is considered to be accredited without the necessity for a full building-level evaluation under subsection (2).

(7) If the superintendent of public instruction determines that a school has not met the standards established under subsection (4) or (5) for summary accreditation but that the school is making progress toward meeting those standards, or if, based on a full building-level evaluation under subsection (2), the superintendent of public instruction determines that a school has not met the standards for accreditation but is making progress toward meeting those standards, the school is in interim status and is subject to a full building-level evaluation as provided in this section.

(8) If a school has not met the standards established under subsection (4) or (5) for summary accreditation and is not eligible for interim status under subsection (7), the school is unaccredited and subject to the measures provided in this section.

(9) Beginning with the 2002-2003 school year, if at least 5% of a public school's answer sheets from the administration of the Michigan educational assessment program (MEAP) tests are lost by the department or by a state contractor and if the public school can verify that the answer sheets were collected from pupils and forwarded to the department or the contractor, the department shall not assign an accreditation score or school report card grade to the public school for that subject area for the corresponding year for the purposes of determining state accreditation under this section. The department shall not assign an accreditation score or school report card grade to the public school for that subject area until the results of all tests for the next year are available.

(10) Subsection (9) does not preclude the department from determining whether a public school or a school district has achieved adequate yearly progress for the school year in which the answer sheets were lost for the purposes of the no child left behind act of 2001, Public Law 107-110. However, the department shall ensure that a public school or the school district is not penalized when determining adequate yearly progress status due to the fact that the public school's MEAP answer sheets were lost by the department or by a state contractor, but shall not require a public school or school district to retest pupils or produce scores from another test for this purpose.

(11) The superintendent of public instruction shall annually review and evaluate for accreditation purposes the performance of each school that is unaccredited and as many of the schools that are in interim status as permitted by the department's resources.

(12) The superintendent of public instruction shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is unaccredited or that is in interim status upon request of the board of the school district in which the school is located. If requests to the superintendent of public instruction for technical assistance exceed the capacity, priority shall be given to unaccredited schools.

(13) A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.

(c) The school, with the approval of the superintendent of public instruction, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.

(d) The school shall be closed.

(14) The superintendent of public instruction shall evaluate the school accreditation program and the status of schools under this section and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.

(15) Beginning with the 2008-2009 school year, a high school shall not be accredited by the department unless the department determines that the high school is providing or has otherwise ensured that all pupils have access to all of the elements of the curriculum required under sections 1278a and 1278b. If it is necessary for the superintendent of public instruction to revise accreditation or summary accreditation standards established under subsection (3) or (4) to comply with the changes made to this section by the amendatory act that added this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

**History:** Add. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1997, Act 180, Imd. Eff. Dec. 30, 1997;—Am. 2003, Act 275, Imd. Eff. Jan. 8, 2004;—Am. 2006, Act 123, Imd. Eff. Apr. 20, 2006.

**Popular name:** Act 451

### **380.1280a Specialized or alternative school or program.**

Sec. 1280a. The board of a school district or intermediate school district that operates or participates in a consortium that operates an alternative educational program pursuant to section 1301, a vocational-technical skills center or other separate vocational education program, or any other type of specialized or alternative school or program shall ensure that the requirements of sections 1204a, 1277a, 1278, and 1280 are met for each of those schools or programs.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

**Popular name:** Act 451

### **380.1280b Grades 1 to 5; yearly test or assessment.**

Sec. 1280b. (1) Subject to subsection (2), the board of a school district, or board of directors of a public school academy that operates any of grades 1 to 5, shall administer each school year to all pupils in grades 1 to 5 a nationally-recognized norm-referenced test or another assessment, which may include a locally-adopted assessment, approved by the superintendent of public instruction at the request of the school district or public school academy.

(2) A school district or public school academy may use the Michigan literacy progress profile to assess literacy in grades 1 to 3 as part of its compliance with subsection (1).

(3) If a school is designated for participation in the national assessment of education progress program, the school shall participate as designated.

(4) An elementary school that is not in compliance with subsection (1) or a school that does not comply with subsection (3) shall not be accredited under section 1280.

**History:** Add. 2000, Act 230, Imd. Eff. June 27, 2000.

**Popular name:** Act 451

**380.1280c Identification of lowest achieving 5% of public schools; list; placement under supervision of reform/redesign officer; submission of redesign plan; implementation; creation of state school reform/redesign school district; appointment of chief executive officer to control multiple schools; implementation of restart, turnaround, or transformation models; release of public school from measures imposed by subsection (6) or (7); report; posting of certain information.**

Sec. 1280c. (1) Beginning in 2010, not later than September 1 of each year, the superintendent of public instruction shall publish a list identifying the public schools in this state that the department has determined to be among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5.

(2) The superintendent of public instruction shall issue an order placing each public school that is included on the list under subsection (1) under the supervision of the state school reform/redesign officer described in subsection (9). Within 90 days after a public school is placed under the supervision of the state school reform/redesign officer under this section, the school board or board of directors operating the public school shall submit a redesign plan to the state school reform/redesign officer. For a public school operated by a school board, the redesign plan shall be developed with input from the local teacher bargaining unit and the local superintendent or, if an emergency financial manager is in place under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, the emergency financial manager. The redesign plan shall require implementation of 1 of the 4 school intervention models that are provided for the lowest achieving schools under the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, known as the "race to the top" grant program. These models are the turnaround model, restart model, school closure, and transformation model. The redesign plan shall include an executed addendum to each applicable collective bargaining agreement in effect for the public school that meets the requirements of subsection (8).

(3) Within 30 days after receipt of a redesign plan for a public school under subsection (2), the state school reform/redesign officer shall issue an order approving, disapproving, or making changes to the redesign plan. If the order makes changes to the redesign plan, the school board or board of directors has 30 days after the order to change the redesign plan to incorporate those changes into the redesign plan and resubmit it to the state school reform/redesign officer for approval or disapproval.

(4) The state school reform/redesign officer shall not disapprove a redesign plan that includes all of the elements required under federal law for the school intervention model included in the redesign plan. A school board or board of directors may appeal disapproval of a redesign plan on this basis to the superintendent of public instruction. The decision of the superintendent of public instruction on the appeal is final.

(5) If the state school reform/redesign officer approves a redesign plan under this section, the school board or board of directors shall implement the redesign plan for the public school beginning with the beginning of the next school year that begins after the approval. The school board or board of directors shall regularly submit monitoring reports to the state school reform/redesign officer on the implementation and results of the plan in the form and manner, and according to a schedule, as determined by the state school reform/redesign officer.

(6) The state school reform/redesign school district is created. The state school reform/redesign school district is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for receiving state school aid under the state school aid act of 1979 and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. The state school reform/redesign school district is a body corporate and is a governmental agency. Except as otherwise provided in subsection (7), if the state school reform/redesign officer does not approve the redesign plan, or if the state school reform/redesign officer determines that the redesign plan is not achieving satisfactory results, the state school reform/redesign officer shall issue an order placing the public school in the state school reform/redesign school district, imposing for the public school implementation of 1 of the 4 school intervention models described in subsection (2) beginning with the beginning of the next school year, and imposing an addendum to each applicable collective bargaining agreement in effect for the public school as necessary to implement the school intervention model and that meets the requirements of subsection (8). All of the following apply to the state school reform/redesign school district:

(a) The state school reform/redesign school district shall consist of schools that are placed in the state school reform/redesign school district.

(b) The state school reform/redesign officer shall act as the superintendent of the state school reform/redesign school district. With respect to schools placed in the state school reform/redesign school



district, the state school reform/redesign officer has all of the powers and duties described in this section; all of the provisions of this act that would otherwise apply to the school board that previously operated a school placed in the state school reform/redesign school district apply to the state school reform/redesign officer with respect to that school, except those relating to taxation or borrowing; except as otherwise provided in this section, the state school reform/redesign officer may exercise all the powers and duties otherwise vested by law in the school board that previously operated a school placed in the state school reform/redesign school district and in its officers, except those relating to taxation or borrowing, and may exercise all additional powers and duties provided under this section; and, except as otherwise provided in this section, the state school reform/redesign officer accedes to all the rights, duties, and obligations of the school board with respect to that school. These powers, rights, duties, and obligations include, but are not limited to, all of the following:

(i) Authority over the expenditure of all funds attributable to pupils at that school, including that portion of proceeds from bonded indebtedness and other funds dedicated to capital projects that would otherwise be apportioned to that school by the school board that previously operated the school according to the terms of the bond issue or financing documents.

(ii) Subject to subsection (8), rights and obligations under collective bargaining agreements and employment contracts entered into by the school board for employees at the school.

(iii) Rights to prosecute and defend litigation.

(iv) Rights and obligations under statute, rule, and common law.

(v) Authority to delegate any of the state school reform/redesign officer's powers and duties to 1 or more designees, with proper supervision by the state school reform/redesign officer.

(vi) Power to terminate any contract or portion of a contract entered into by the school board that applies to that school. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds and does not allow a collective bargaining agreement to be affected except as provided under subsection (8). A contract terminated by the state school reform/redesign officer under this subsection is void.

(7) If the state school reform/redesign officer determines that better educational results are likely to be achieved by appointing a chief executive officer to take control of multiple public schools, the state school reform/redesign officer may make a recommendation to the superintendent of public instruction for appointment of a chief executive officer to take control over those multiple schools. If the superintendent of public instruction appoints a chief executive officer to take control of multiple public schools under this subsection, the chief executive officer shall impose for those public schools implementation of 1 of the 4 school intervention models described in subsection (2) and impose an addendum to each applicable collective bargaining agreement in effect for those public schools as necessary to implement the school intervention model and that meets the requirements of subsection (8). With respect to those public schools, the chief executive officer has all of the same powers and duties that the state school reform/redesign officer has for public schools placed in the state school reform/redesign school district under subsection (6). The chief executive officer shall regularly submit monitoring reports to the state school reform/redesign officer on the implementation and results of the intervention model in the form and manner, and according to a schedule, as determined by the state school reform/redesign officer. The chief executive officer shall exercise any other powers or duties over the public schools as may be directed by the superintendent of public instruction.

(8) An addendum to a collective bargaining agreement under this section shall provide for any of the following that are necessary for the applicable school intervention model to be implemented at each affected public school:

(a) That any contractual or other seniority system that would otherwise be applicable shall not apply at the public school. This subdivision does not allow unilateral changes in pay scales or benefits.

(b) That any contractual or other work rules that are impediments to implementing the redesign plan shall not apply at the public school. This subdivision does not allow unilateral changes in pay scales or benefits.

(c) That the state school reform/redesign officer shall direct the expenditure of all funds attributable to pupils at the public school and the principal or other school leader designated by the state school reform/redesign officer shall have full autonomy and control over curriculum and discretionary spending at the public school.

(9) The superintendent of public instruction shall hire a state school reform/redesign officer to carry out the functions under this section and as otherwise prescribed by law. The state school reform/redesign officer shall be chosen solely on the basis of his or her competence and experience in educational reform and redesign. The state school reform/redesign officer is exempt from civil service. The state school reform/redesign officer is responsible directly to the superintendent of public instruction to ensure that the purposes of this section are carried out, and accordingly the position of state school reform/redesign officer should be a position within

the department that is exempt from the classified state civil service. The department shall request that the civil service commission establish the position of state school reform/redesign officer as a position that is exempt from the classified state civil service.

(10) If the state school reform/redesign officer imposes the restart model for a public school in the state school reform/redesign school district, or a chief executive officer under subsection (7) imposes the restart model for multiple public schools under that subsection, all of the following apply:

(a) The state school reform/redesign officer or chief executive officer shall enter into an agreement with an educational management organization to manage and operate the public school or schools. The state school reform/redesign officer or chief executive officer shall provide sufficient oversight to ensure that the public school or schools will be operated according to all of the requirements for a restart model.

(b) There shall be considered to be no collective bargaining agreement in effect that applies to employees working at the public school or schools under this model at the time of imposition of the model.

(11) If the state school reform/redesign officer imposes the turnaround model for a public school in the state school reform/redesign school district, or a chief executive officer under subsection (7) imposes the turnaround model for multiple public schools under that subsection, all of the following apply:

(a) A collective bargaining agreement that applies to employees working at the public school or schools under this model at the time of imposition of the model, and any successor collective bargaining agreement, continues to apply with respect to pay scales and benefits.

(b) Subject to any addendum to the collective bargaining agreement that applies to the public school or schools, an employee who is working at the public school or schools and who was previously employed in the same school district that previously operated that school shall continue to retain and accrue seniority rights in that school district according to the collective bargaining agreement that applies to employees of that school district.

(12) If more than 9 public schools operated by a school district are on the list under subsection (1), the transformation model may not be implemented for more than 50% of those schools.

(13) If the state school reform/redesign officer determines that a public school that is subject to the measures under subsection (6) or (7) has made significant improvement in pupil achievement and should be released from the measures that have been imposed under subsection (6) or (7), the state school reform/redesign officer may recommend this to the superintendent of public instruction. If the superintendent of public instruction agrees with the determination and recommendation, the superintendent of public instruction may release the public school from the measures that have been imposed under subsection (6) or (7).

(14) At least annually, the state school reform/redesign officer shall submit a report to the standing committees of the senate and house of representatives having jurisdiction over education legislation on the progress being made in improving pupil proficiency due to the measures under this section.

(15) As soon as practicable after the federal department of education has adopted the final work rules and formula for identifying the lowest achieving 5% of all public schools in this state for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, known as the "race to the top" grant program, the department shall post all of the following on its website:

(a) The federal work rules and formula.

(b) A list of the public schools in this state that have been identified for these purposes as being among the lowest achieving 5% of all public schools in this state. The department shall update this list as it considers appropriate.

**History:** Add. 2009, Act 204, Imd. Eff. Jan. 4, 2010.

**Popular name:** Act 451

### **380.1281 State board; duties generally; examination and audit of official records and accounts; action to compel accounting; waiver from compliance with rules.**

Sec. 1281. (1) The state board shall:

(a) Require each board, each public school academy board of directors, each intermediate school board, and the officers of each of those boards to observe the laws relating to schools.

(b) Require each board to maintain school or to provide educational opportunities for resident children for the statutory period.

(c) Prescribe appropriate uniform pupil and finance accounting records for use in school districts, public school academies, and intermediate school districts and promulgate rules for their adoption.

(d) Require each board, each public school academy board of directors, and each intermediate school board to carry out the state board's recommendations relative to the safety of school buildings, equipment, and

appurtenances, including any condition that may endanger the health or life of pupils.

(2) The state board may examine and audit the official records and accounts of school districts, public school academies, and intermediate school districts, and may compel proper accounting by legal action instituted by direction of the attorney general.

(3) Upon application by a school district, public school academy, university school, or intermediate school district, the state board may grant to the school district, public school academy, university school, or intermediate school district a limited time waiver from a state board or department rule interpreting or implementing a provision of this act. The state board may grant a waiver only if the school district, public school academy, university school, or intermediate school district demonstrates that it can address the intent of the rule in a more effective, efficient, or economical manner or that the waiver is necessary to stimulate improved pupil performance. A waiver shall not be granted for more than 3 years, but may be renewed. The state board may place conditions on a waiver or its renewal. The state board may revoke a waiver if it determines that the waiver no longer meets the criteria of this subsection, compromises equal opportunities for learning, or is detrimental to the educational interests of pupils. The state board may not grant a waiver from the duty to comply with a provision of this act, and may not grant a waiver from the duty to comply with another state statute unless and to the extent that a waiver is specifically allowed by that other state statute.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

**Administrative rules:** R 340.1 et seq.; R 340.351 et seq.; and R 340.851 et seq. of the Michigan Administrative Code.

### **380.1282 Grades, schools, and departments; courses of study; opportunity to achieve state endorsement; special assistance.**

Sec. 1282. (1) The board of a school district shall establish and carry on the grades, schools, and departments it considers necessary or desirable for the maintenance and improvement of its schools and determine the courses of study to be pursued.

(2) The board of a school district shall provide a core academic curriculum, learning processes, special assistance particularly for students with reading disorders or who have demonstrated marked difficulty in achieving success on standardized tests, and sufficient access to each of these so that all pupils have a fair opportunity to achieve a state endorsement under section 1279. The board shall use Michigan education assessment program (MEAP) test results as an indicator of which pupils need special assistance to have a fair opportunity to achieve state endorsement under section 1279 and of whether the school district's curriculum is adequately aligned to prepare pupils to achieve that state endorsement. This special assistance may include at least 1 meeting attended by at least the pupil and a member of the school district's staff or a local or intermediate school district consultant who is knowledgeable in the measurement and evaluation of pupils. The school district may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the school district shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil's parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection should be to determine an educational program for the pupil designed to assist the pupil to be prepared to achieve state endorsement under section 1279. In addition, the school district may provide for subsequent meetings with the pupil conducted by a counselor or teacher designated by the pupil's principal, and shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The school district may provide special programs for the pupil or develop a program using the educational programs regularly provided by the school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1997, Act 181, Imd. Eff. Dec. 30, 1997.

**Popular name:** Act 451

### **380.1282a Repealed. 2001, Act 121, Imd. Eff. Sept. 28, 2001.**

**Compiler's note:** The repealed section pertained to literacy and mathematics skills.

**Popular name:** Act 451

### **380.1283 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to attendance areas.

**Popular name:** Act 451

### **380.1284 Length of school year; certification; strikes or teachers' conferences; rules.**

Sec. 1284. (1) The board of a school district or of a public school academy shall determine the length of

the school year. However, if the board does not want the school district's or public school academy's state school aid payments to be withheld as described in section 101 of the state school aid act of 1979, MCL 388.1701, the board shall ensure that the school district or public school academy provides at least the minimum amount of pupil instruction during each school year required under section 101 of the state school aid act of 1979, MCL 388.1701.

(2) Not later than August 1 of each year, the board of each school district and the board of directors of each public school academy shall certify to the state board the number of hours of pupil instruction in the previous school year.

(3) Time during which there is no pupil instruction because of strikes or teachers' conferences shall not be counted as pupil instruction.

(4) The superintendent of public instruction shall promulgate rules for the implementation of this section.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 143, Imd. Eff. July 15, 1992;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1997, Act 53, Imd. Eff. July 1, 1997;—Am. 2006, Act 534, Imd. Eff. Dec. 29, 2006.

**Popular name:** Act 451

**Administrative rules:** R 340.1 et seq. of the Michigan Administrative Code.

### **380.1284a Common school calendar; exceptions; definitions.**

Sec. 1284a. (1) Not later than July 1, 2008, an intermediate school district, in cooperation with its constituent districts, shall adopt a common school calendar to apply to all of its constituent districts and to its intermediate school district programs. The intermediate school district shall post the common school calendar on its website. The common school calendar shall meet all of the following:

(a) Shall be in compliance with sections 1284 and 1284b.

(b) Shall identify the dates for each school year when school will not be in session for a winter holiday break and a spring break. The common school calendar shall identify these dates specifically for at least the next 5 school years, but may describe these dates more generally for school years thereafter as long as the dates may be readily determined.

(2) Beginning with the 2008-2009 school year, except as otherwise provided in this section, the board of each constituent district and the intermediate school board shall ensure that its school calendar complies with the common school calendar adopted under subsection (1).

(3) In addition to the requirements under subsection (1), a common school calendar adopted under subsection (1) is encouraged to identify common dates for professional development days.

(4) If a collective bargaining agreement that provides a complete school calendar is in effect for employees of a school district or intermediate school district as of the effective date of this section, and if that school calendar is not in compliance with the common school calendar adopted under subsection (1), then subsection (2) does not apply to that school district or intermediate school district until after the expiration of that collective bargaining agreement.

(5) If as of the effective date of this section an intermediate school district or school district is operating a year-round school or program or is operating a school that is an international baccalaureate academy that provides 1,160 hours of pupil instruction per school year, then subsection (2) does not apply to that school or program. If after the effective date of this section an intermediate school district or school district begins operating a year-round school or program, the intermediate school district or school district may apply to the superintendent of public instruction for a waiver from the requirements of subsection (2) for that school or program. The application shall be in writing in the form and manner prescribed by the department and shall provide justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1). Upon application, if the superintendent of public instruction determines that a school or program is a bona fide year-round school or program established for educational reasons and that there is sufficient justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1), the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide year-round school or program for the purposes of this subsection.

(6) If an intermediate school district or school district is operating or begins operating a school or program on a trimester schedule, the intermediate school district or school district may apply to the superintendent of public instruction for a waiver from the requirements of subsection (2) for that school or program. The application shall be in writing in the form and manner prescribed by the department and shall provide justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1). Upon application, if the superintendent of public instruction determines that a school or program is operating on a bona fide trimester schedule established for educational reasons and that

there is sufficient justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1), the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide trimester schedule for the purposes of this subsection.

(7) This section does not apply to a public school that operates all of grades 6 to 12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ends its second academic semester concurrently with the end of the advanced placement examination period.

(8) In addition to the other exceptions under this section, the superintendent of public instruction may grant a waiver from a requirement under this section for a school district that applies for the waiver in writing in the form and manner prescribed by the superintendent of public instruction and provides sufficient justification for the waiver, as determined by the superintendent of public instruction.

(9) As used in this section:

(a) "Board" means the board of a school district or board of directors of a public school academy.

(b) "Constituent district" means a constituent district of the intermediate school district or a public school academy that is located within the boundaries of the intermediate school district and that receives services from the intermediate school district.

(c) "School district" means a school district or a public school academy.

**History:** Add. 2007, Act 101, Imd. Oct. 1, 2007.

**Compiler's note:** Former MCL 380.1284a, which pertained to common calendars within intermediate school districts, was repealed by Act 289 of 1985, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1284b School in session before Labor day; prohibition; effect of collective bargaining agreement; year-round school or program; waiver; exception; "Labor day" defined.**

Sec. 1284b. (1) Until subsection (2) applies to the school district, public school academy, or intermediate school district, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's schools are not in session on the Friday before Labor day.

(2) Except as otherwise provided in this section, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's school year does not begin before Labor day.

(3) If a collective bargaining agreement that provides a complete school calendar is in effect for employees of a school district, public school academy, or intermediate school district as of the effective date of the amendatory act that added subsection (2), and if that school calendar is not in compliance with subsection (2), then subsection (2) does not apply to that school district, public school academy, or intermediate school district until after the expiration of that collective bargaining agreement.

(4) If a school district, intermediate school district, or public school academy is operating a year-round school or program as of September 29, 2005 or is operating as of that date a school that is an international baccalaureate academy that provides 1,160 hours of pupil instruction per school year, then subsection (2) does not apply to that school or program. If a school district, intermediate school district, or public school academy begins operating a year-round school or program after September 29, 2005, the school district, intermediate school district, or public school academy may apply to the superintendent of public instruction for a waiver from the requirements of subsection (2). Upon application, if the superintendent of public instruction determines that a school or program is a bona fide year-round school or program established for educational reasons, the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide year-round school or program for the purposes of this subsection.

(5) If an intermediate school district contracts with a constituent district or public school academy to provide programs or services for pupils of the constituent district or public school academy; operates a program or service within a building owned by a constituent district or a public school academy located within the intermediate school district's boundaries; or otherwise provides instructional programs or services for pupils of a constituent district or public school academy, and if the school district's or public school academy's school year begins before Labor day under subsection (3) or (4), then the intermediate school district may provide programs or services according to the school district's or public school academy's calendar.

(6) This section does not apply to a public school that operates all of grades 6 to 12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ends its second academic semester concurrently with the end of the advanced placement examination period.



(7) This section does not prohibit a school district, intermediate school district, or public school academy from offering or requiring professional development for its personnel that is conducted before Labor day.

(8) As used in this section, "Labor day" means the first Monday in September.

**History:** Add. 1999, Act 141, Eff. Mar. 10, 2000;—Am. 2001, Act 167, Imd. Eff. Nov. 26, 2001;—Am. 2005, Act 144, Imd. Eff. Sept. 29, 2005;—Am. 2006, Act 235, Imd. Eff. June 26, 2006.

**Popular name:** Act 451

### **380.1285 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to establishment and operation of child care centers.

**Popular name:** Act 451

### **380.1285a Child care center subject to fire prevention or fire safety requirements; requirements for operation of before- or after-school program.**

Sec. 1285a. (1) If a school district or intermediate school district operates a child care center, as defined in section 1 of 1973 PA 116, MCL 722.111, then, except as provided in this subsection, the child care center is subject to the requirements of 1973 PA 116, MCL 722.111 to 722.128. If a child care center established and operated by a school district or intermediate school district is located in a school building that is approved and inspected by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or other similar authority as provided in section 3 of 1937 PA 306, MCL 388.853, for school purposes and is in compliance with school fire safety rules, as determined by the bureau of fire services or a fire inspector certified pursuant to section 2b of the fire prevention code, 1941 PA 207, MCL 29.2b, the child care center is not subject to any fire prevention or fire safety requirements under 1973 PA 116, MCL 722.111 to 722.128. Beginning July 1, 2003, as used in this subsection, "child care center" does not include a program described in subsection (2) that has been granted an exemption from child care center approval by the department of human services as provided under section 1(2) of 1973 PA 116, MCL 722.111.

(2) Beginning July 1, 2003, if a school district, public school academy, or intermediate school district operates or contracts for the operation of a before- or after-school program for children in grades K to 8, and if the program is exempt from child care center approval as provided under section 1(2) of 1973 PA 116, MCL 722.111, all of the following apply to the operation of the program:

(a) The program shall meet all of the following staffing requirements:

(i) Shall have at least 2 adult program staff members present at all times when children are present.

(ii) Shall have a child to adult program staff member ratio that meets the following:

(A) For children in grades K to 3, is no greater than the lesser of either 20 children to 1 adult program staff member or the average pupil to teacher ratio during school hours in that school district, public school academy, or intermediate school district in regular K to 3 classrooms.

(B) For children in grades 4 to 8, is no greater than the lesser of either 25 children to 1 adult program staff member or the average pupil to teacher ratio during school hours in that school district, public school academy, or intermediate school district in regular grade 4 to 8 classrooms.

(iii) Within 3 months after he or she begins to work in the program, each adult program staff member shall hold valid certification in cardiopulmonary resuscitation and basic first aid issued by the American red cross, American heart association, or a comparable organization or institution approved by the department.

(b) The program shall be located at school in facilities comparable to rooms used by pupils during the regular school day.

(c) The program shall provide daily activities and relationships that offer each child in the program opportunities for physical development; social development, including positive self-concept; and intellectual development.

(d) If food is served, the food service shall comply with the same nutrition requirements that apply to food service by the school district, public school academy, or intermediate school district during the regular school day.

(e) If the school district, public school academy, or intermediate school district uses its employees to staff the program, before assigning a staff member to work in the program, the school district, public school academy, or intermediate school district shall comply with sections 1230 and 1230a with respect to that individual to the same extent as if the individual were being hired as a teacher. If the school district, public school academy, or intermediate school district contracts for the operation or staffing of the program, the contract shall contain assurance that the contracting person or entity, before assigning an individual to work in the program, will comply with sections 1230 and 1230a with respect to that individual to the same extent as if the person or entity were a school district employing the individual as a teacher. The department of state police shall provide information to a school district, public school academy, intermediate school district, or

contracting person or entity requesting information under this subdivision to the same extent as if the school district, public school academy, intermediate school district, or person or entity were a school district making the request under section 1230 or 1230a.

(f) The board of the school district or intermediate school district or board of directors of the public school academy, in consultation with the director of the program and the principal of the school at which the program is operated, shall develop, adopt, and annually review a policy concerning the program that, at a minimum, addresses safety procedures for the program, including first aid, food safety, discipline, dispensing and storage of medication, and access to student emergency information and telephones.

(g) Not later than September 1 of each school year, the board of the school district or intermediate school district or board of directors of the public school academy shall adopt and submit to the secretary of the intermediate school board a resolution affirming that the program and the corresponding policies comply with this section. This submission shall include a copy of the policy under subdivision (f).

(h) The board of the school district or intermediate school district or board of directors of the public school academy shall make copies of the policy under subdivision (f), and of any annual reviews or revisions, available to the public.

(3) Not later than April 1, 2003, the department, in consultation with the department of human services, shall develop and make available to the public model standards for before- or after-school programs operated under subsection (2) that address human relationships; indoor environment; outdoor environment; activities; safety, health, and nutrition; and administration. In developing these model standards, the department shall give substantial consideration to similar factors in the requirements placed on child care centers under 1973 PA 116, MCL 722.111 to 722.128. A school district, public school academy, or intermediate school district is not required to follow these model standards.

(4) Beginning July 1, 2003, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that any written information published or distributed by the school district, public school academy, or intermediate school district concerning a before- or after-school program it operates under subsection (2) includes a statement in at least 10-point type notifying the public whether the program follows or deviates from the model standards developed under subsection (3).

**History:** Add. 1996, Act 285, Imd. Eff. June 17, 1996;—Am. 2002, Act 695, Eff. Mar. 31, 2003;—Am. 2006, Act 198, Imd. Eff. June 19, 2006.

**Compiler's note:** For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

**Popular name:** Act 451

### **380.1286, 380.1287 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to provision of facilities, equipment, and teachers for kindergarten classes and vocational education programs.

**Popular name:** Act 451

### **380.1288 Courses requiring wearing of industrial quality eye protective devices; rules; definition.**

Sec. 1288. (1) Each pupil and teacher participating in a course included in this section shall wear industrial quality eye protective devices, which have been sanitized prior to use, if exposure to danger exists while participating in the course. The board shall furnish the devices for pupils, teachers, and visitors to the classrooms or laboratories. The courses for which protective devices are required are:

(a) Vocational or industrial arts shops or laboratories involving the use of or working with hot molten metals; milling, sawing, turning, shaping, grinding, cutting, or stamping of solid materials; heat treatment, tempering, or kiln firing of metal or other materials; gas or electric arc welding; repair or servicing of vehicles; or caustic or explosive materials.

(b) Chemical or combined chemical-physical laboratory work involving acid, caustic, or explosive chemicals or hot liquids or solids.

(2) The state board shall promulgate rules to enforce this section.

(3) As used in this section, "industrial quality eye protective device" means a device meeting the standards of the American standard safety code for head, eye, and respiratory protection, Z87.1-1968, promulgated by the American standards association, incorporated.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**Administrative rules:** R 390.1301 et seq. of the Michigan Administrative Code.

### **380.1289 Participation of female pupils in interscholastic athletic activities.**

Sec. 1289. Female pupils shall be permitted to compete for a position in all interscholastic athletic activities. If a school has a girls' team in an interscholastic athletic activity, a female shall be permitted to compete for a position on any other team for that activity. This subsection shall not be construed to prevent or interfere with the selection of competing teams solely on the basis of athletic ability.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1291 Local school security task force.**

Sec. 1291. The board of a school district may establish a local school security task force for the school district to perform functions at the local level similar to those performed at the state level by the school security task force created under the school security task force act. The local school security task force shall include representatives of parents, teachers and other school employees, school administrators, law enforcement officials, pupils, and other members of the community affected by weapons in schools. A school district may use school operating funds for the activities of its local school security task force. This section does not require a school district to establish a local school security task force, or create liability for a school district that does not establish a local school security task force.

**History:** Add. 1993, Act 320, Eff. Apr. 1, 1994.

**Popular name:** Act 451

### **380.1291[1] Michigan information network.**

Sec. 1291. (1) Not later than June 30, 1995, the department of management and budget shall prepare a state plan for creation of a Michigan information network linking each local and intermediate school district, public school academy, community college, independent nonprofit college or university located in this state, and state public university and each state, local, or regional library on an equal basis by fiber optic or coaxial cable or other comparable system allowing a world-class statewide interactive video and data access and exchange system.

(2) All educational entities in this state are encouraged to participate in the Michigan information network created in subsection (1) and in similar networks or systems and are encouraged to use computer, telecommunications, and other interactive technology to develop and use distance learning for educational purposes.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

**Compiler's note:** Section 1291, as added by Act 335 of 1993, was compiled as MCL 380.1291[1] to distinguish it from another section 1291, deriving from Act 320 of 1993 and pertaining to local school security task force.

For transfer of statutory authority, powers, duties, functions, and responsibilities of certain units, teams, divisions, and offices within the department of management and budget to the department of information technology by type III transfer, see E.R.O. No. 2001-1, compiled at MCL 18.41 of the Michigan compiled laws.

**Popular name:** Act 451

### **380.1293 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to adult education courses.

**Popular name:** Act 451

### **380.1294 Parent involvement plan; adoption; distribution; review.**

Sec. 1294. (1) Not later than January 1, 2005, the board of a school district or intermediate school district or the board of directors of a public school academy shall adopt and implement a parent involvement plan designed to encourage parental participation.

(2) The board or board of directors shall provide a copy of the parent involvement plan to the parent or legal guardian of each pupil. The board or board of directors may provide the copy of the policy by including the policy in its student handbook or a similar publication that is distributed to all pupils and parents.

(3) The board or board of directors shall provide a copy of the parent involvement plan to the department upon request by the department.

(4) The department shall review parental involvement practices that have been implemented by public schools in this state and elsewhere and shall post information at the department website about successful parental involvement policies and practices.

**History:** Add. 2004, Act 107, Imd. Eff. May 20, 2004.

**Popular name:** Act 451

### **380.1295 Parental involvement contracts.**

Rendered Friday, January 14, 2011

Page 101 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

Sec. 1295. (1) School districts are encouraged to develop and implement parental involvement contracts with parents of pupils. These parental involvement contracts should be voluntary and should be designed to encourage and facilitate a parent's involvement in his or her child's education.

(2) Not later than 90 days after the effective date of this section, the department shall develop and make available to school districts a model parental involvement contract that may be used for the purposes of subsection (1). The model parental involvement contract shall establish a learning partnership between parent, teacher, and pupil, and shall address at least all of the following:

(a) That the pupil's parent or guardian will do all of the following:

(i) Review homework assignments and offer assistance when needed.

(ii) Ensure that the pupil gets to school each day, on time and ready to learn.

(iii) Demonstrate interest in the pupil's well-being by attending school functions and supporting the pupil's school activities.

(iv) Make every effort to attend parent-teacher conferences.

(b) That the pupil will do all of the following:

(i) Participate in class discussions and complete assignments in a manner that is accurate, neat, and timely.

(ii) Come to school each school day and be on time.

(iii) Pay attention in class and complete assigned lessons.

(iv) Obey the rules and codes of conduct set for the classroom.

(v) Respect teachers, school administrators, and other pupils at all times by not antagonizing, intimidating, or threatening them.

(c) That the teacher will do all of the following:

(i) Set high standards for quality instruction that promote development of grade-appropriate academic skills.

(ii) Keep accurate attendance records and inform the parent or guardian promptly if an attendance problem starts to develop.

(iii) Teach pupils how to study and review basic concepts taught in class.

(iv) Maintain a welcome atmosphere and scheduling flexibility toward parent or guardian visits and participation.

(d) That the contract should include a way for the pupil's parent or guardian to explain any obstacles that prevent him or her from complying with the contract.

(3) If a parental involvement contract includes an explanation described in subsection (2)(d), school officials shall consider accessing possible resources to help overcome the obstacles identified by the parent or guardian.

**History:** Add. 2001, Act 29, Imd. Eff. June 28, 2001.

**Popular name:** Act 451

### **380.1296 Auxiliary services for pupils in nonpublic schools; use of state school aid; scope of auxiliary services; rules.**

Sec. 1296. The board of a school district that provides auxiliary services specified in this section to its resident pupils in the elementary and secondary grades shall provide the same auxiliary services on an equal basis to pupils in the elementary and secondary grades at nonpublic schools. The board may use state school aid to pay for the auxiliary services. The auxiliary services shall include health and nursing services and examinations; street crossing guards services; national defense education act testing services; teacher of speech and language services; school social work services; school psychological services; teacher consultant services for students with a disability and other ancillary services for students with a disability; remedial reading; and other services determined by the legislature. Auxiliary services shall be provided under rules promulgated by the superintendent of public instruction.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

**Popular name:** Act 451

**Administrative rules:** R 340.291 et seq. of the Michigan Administrative Code.

### **380.1297 Educational program for certain children; board as agent for federal government; payment of per capita operation and capital outlay costs; deduction of allotments; approval; section inapplicable to land attached under MCL 380.1298.**

Sec. 1297. (1) The board of a school district may serve as an agent for the federal government in providing the district's educational program, either within its own district or upon the premises of a military encampment or hospital over which the federal government has taken exclusive jurisdiction, to pupils of

parents or guardians who live on land over which the federal government has exclusive jurisdiction.

(2) The federal government shall pay the full per capita operation costs for each pupil educated by the school district on its own premises, and the full per capita operation costs, plus all costs for capital outlay, for each pupil educated by the district upon the premises of the federal government. In determining the per capita cost, allotments made for a pupil on a membership basis from state school aid shall be deducted.

(3) The state board shall approve the items included or excluded in determining the operation and capital outlay costs.

(4) This section does not apply if land is attached pursuant to section 1298.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1298 Attachment of land under exclusive federal jurisdiction; hearing; rights and privileges of pupils.**

Sec. 1298. Land over which the federal government is exercising exclusive jurisdiction may be attached for educational purposes by the state board after a hearing to a school district offering educational programs for pupils residing on the land. The pupils shall be residents of the district entitled to all the educational rights and privileges of other resident pupils.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1299 Limited open forum; equal access and opportunity; definitions.**

Sec. 1299. (1) A public school that operates 1 or more of grades 7 to 12 and that has a limited open forum shall not deny equal access or a fair opportunity to, or discriminate against, any pupil or pupils who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at the meeting. A public school has a limited open forum whenever the public school grants an offering to or opportunity for 1 or more noncurriculum-related student groups to meet on school premises during noninstructional time. A public school shall be considered to offer a fair opportunity to pupils who wish to conduct a meeting within the limited open forum if the public school uniformly provides for all of the following:

(a) The meeting is voluntary and student-initiated.

(b) There is no sponsorship of the meeting by the public school, the government, or either's agents or employees.

(c) Employees or agents of the public school or government are present at religious meetings only in a nonparticipatory capacity.

(d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.

(e) Persons not affiliated with the public school may not direct, conduct, control, or regularly attend activities of student groups.

(2) Subsection (1) does not authorize this state or any political subdivision of this state to do any of the following:

(a) Influence the form or content of any prayer or other religious activity.

(b) Require any person to participate in prayer or other religious activity.

(c) Expend public funds beyond the incidental cost of providing the space for student-initiated meetings.

(d) Compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee.

(e) Sanction meetings that are otherwise unlawful.

(f) Limit the rights of groups of pupils which are not of a specified numerical size.

(g) Abridge the constitutional rights of any person.

(3) Subsection (1) does not limit the authority of a public school to maintain order and discipline on school premises, to protect the well-being of pupils and faculty, and to assure that attendance of pupils at meetings is voluntary.

(4) As used in this section:

(a) "Meeting" includes those activities of student groups that are permitted under a public school's limited open forum and are not directly related to the school curriculum.

(b) "Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(c) "Public school" includes a public school's employees and persons or entities under contract with the public school.



(d) "Sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

**History:** Add. 1995, Act 289, Eff. July 1, 1996;—Am. 1996, Act 283, Imd. Eff. June 17, 1996.

**Popular name:** Act 451

### **380.1300 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to regulations.

**Popular name:** Act 451

### **380.1300a Sexual harassment policy.**

Sec. 1300a. Not later than January 1, 1995, the board of each school district shall adopt and implement a written sexual harassment policy. At a minimum, the policy shall prohibit sexual harassment by school district employees, board members and pupils directed toward other employees or pupils and shall specify penalties for violation of the policy.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

**Popular name:** Act 451

### **380.1301 Pregnant persons; expulsion or exclusion from public school prohibited; withdrawal; alternative educational program or program of special services; rules.**

Sec. 1301. (1) A person who has not completed high school may not be expelled or excluded from a public school because of being pregnant.

(2) A pregnant person who is under the compulsory school age may withdraw from a regular public school program in accordance with rules promulgated by the state board.

(3) The board of a local or intermediate school district may provide an accredited alternative educational program for school age expectant parents and school age parents and their children, or provide a program of special services within the conventional school setting, or contract with another school district offering the educational program.

(4) The state board shall promulgate rules to implement this section.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 109, Imd. Eff. May 10, 1980.

**Popular name:** Act 451

**Administrative rules:** R 340.1121 et seq. of the Michigan Administrative Code.

### **380.1302 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to eligibility requirements for driver education courses.

**Popular name:** Act 451

### **380.1303 Pocket pager, electronic communication device, or other personal communication device; applicability of subsection (1).**

Sec. 1303. (1) Until the end of the 2003-2004 school year, unless the board or board of directors adopts its own local policy to the contrary, the board of a school district or board of directors of a public school academy shall not permit any pupil to carry a pocket pager, electronic communication device, or other personal communication device in school except for health or other unusual reasons approved by the board or board of directors. A board or board of directors may develop penalties that it considers appropriate for a pupil who violates this prohibition or its own policy.

(2) Beginning with the 2004-2005 school year, subsection (1) does not apply and the board of a school district or board of directors of a public school academy may adopt and implement its own local policy concerning whether or not a pupil may carry a pocket pager, electronic communication device, or other personal communication device in school.

**History:** Add. 1988, Act 215, Imd. Eff. July 1, 1988;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 132, Imd. Eff. Aug. 1, 2003.

### **380.1305 Bomb threat; search by school employee.**

Sec. 1305. If a public or nonpublic school is closed or vacated due to a bomb threat, a school official shall not require a school employee to remain in or to search the school unless the governing body that operates the school has ensured that employee has received appropriate training approved by the appropriate law enforcement agency dealing with bomb threats.

**History:** Add. 2004, Act 56, Imd. Eff. Apr. 12, 2004.

**380.1306 School lockers; no presumption of privacy; search policy; assistance of law enforcement agency; model policy; admissibility of evidence.**

Sec. 1306. (1) A pupil who uses a locker that is the property of a school district, local act school district, intermediate school district, or public school academy is presumed to have no expectation of privacy in that locker or that locker's contents.

(2) If the board of a school district, local act school district, or intermediate school district or board of directors of a public school academy operates a school that has pupil lockers, then not later than 180 days after the effective date of this section the board or board of directors shall adopt a policy on searches of pupils' lockers and locker contents. This policy shall provide that, in the course of a search conducted pursuant to the policy, the privacy rights of the pupil shall be respected regarding any items that are not illegal or against school policy. The board or board of directors shall provide a copy of this policy to each pupil at a school that has lockers and to the parent or legal guardian of each of those pupils. The board or board of directors shall also provide a copy of the policy to the department upon request by the department.

(3) A public school principal or his or her designee may search a pupil's locker and the locker's contents at any time in accordance with the policy under subsection (2).

(4) A law enforcement agency having jurisdiction over the school may assist school personnel in conducting a search of a pupil's locker and the locker's contents if that assistance is at the request of the school principal or his or her designee and the search is conducted in accordance with the policy under subsection (2).

(5) Not later than 90 days after the effective date of this section, the superintendent of public instruction shall develop and make available a model policy on searches of pupils' lockers and locker contents that may be adopted for the purposes of this section.

(6) Any evidence obtained as a result of a search of a pupil's locker or locker's contents shall not be inadmissible in any court or administrative proceedings because the search violated this section, violated the policy under subsection (2), or because no policy was adopted.

**History:** Add. 2000, Act 87, Imd. Eff. May 1, 2000.

**Popular name:** Act 451

**380.1308 Statewide school safety information policy.**

Sec. 1308. (1) Not later than 90 days after the effective date of this section, the superintendent of public instruction, attorney general, and director of the department of state police shall adopt, publish, and distribute to school boards, county prosecutors, and local law enforcement agencies the statewide school safety information policy described in subsection (2). Not later than 180 days after the effective date of this section, each school board, county prosecutor, and local law enforcement agency shall do both of the following:

(a) Meet and confer as appropriate on the implementation of the statewide school safety information policy for each school district and on any related issues that are unique to the affected locality. The appropriate local law enforcement agency or agencies to be involved shall be determined locally, consistent with the statewide school safety information policy.

(b) Begin compliance with the statewide school safety information policy.

(2) The statewide school safety information policy required under subsection (1) shall identify the types of incidents occurring at school that must be reported to law enforcement agencies and shall establish procedures to be followed when such an incident occurs at school. The statewide school safety information policy also may address procedures for reporting incidents involving possession of a dangerous weapon as required under section 1313. The statewide school safety information policy shall address at least all of the following:

(a) Law enforcement protocols and priorities for the reporting process. The law enforcement protocols must be developed with the cooperation of the appropriate state or local law enforcement agency. The law enforcement priorities shall include at least investigation of reported incidents, identification of those involved in a reported incident, assistance in prevention of these types of incidents, and, when appropriate, assistance from a child protection agency.

(b) Definition of the types of incidents requiring reporting to law enforcement and response by law enforcement, taking into account the intent of the actor and the circumstances surrounding the incident.

(c) Protocols for responding to reportable incidents, addressing at least all of the following:

(i) Initial notification and reporting by school officials.

(ii) The information to be provided by school officials.

(iii) Initial response by law enforcement agencies, which shall be specifically tailored for incidents in progress, incidents not in progress, and incidents involving delayed reporting. School officials shall be consulted to determine the extent of law enforcement involvement required by the situation.

(iv) Custody of actors.

(d) The amount and nature of assistance to be provided by school officials, and the scope of their involvement in law enforcement procedures. This provision shall require school officials to notify the parent or legal guardian of a minor pupil who is a victim or witness when law enforcement authorities interview the pupil.

(e) Any other matters that will facilitate reporting of incidents affecting school safety and the exchange of other information affecting school safety.

(3) If school officials of a school district determine that an incident has occurred at school that is required to be reported to law enforcement agencies according to the statewide school safety information policy under this section, the superintendent of the school district, or his or her designee, immediately shall report that finding to the appropriate state or local law enforcement agency in the manner prescribed in the statewide school safety information policy.

(4) If provided in the statewide school safety information policy under this section, a local law enforcement agency that has jurisdiction over a school building of a school district shall report to the school officials of the school building incidents reported to the law enforcement agency that allege the commission of a crime and that, according to the incident report, either occurred on school property or within 1,000 feet of the school property or involved a pupil or staff member of the school as a victim or alleged perpetrator. Upon request by a law enforcement agency, school officials shall provide the law enforcement agency with any information the law enforcement agency determines it needs to provide this report to school officials.

(5) If provided in the statewide school safety information policy under this section, the prosecuting attorney of a county shall notify a school district located in whole or in part in that county of any criminal or juvenile court action initiated or taken against a pupil of the school district, including, but not limited to, convictions, adjudications, and dispositions. This notification shall be made to either the school district superintendent or to the intermediate superintendent of the intermediate school district in which the county is located, as provided in the policy or by local agreement. If the notification is made to the intermediate superintendent, the intermediate superintendent shall forward the information to the superintendent of the school district in which the pupil is enrolled. Upon receipt of information under this subsection, a school district superintendent shall share the information with appropriate school building personnel. The prosecuting attorney may inquire of each school age individual involved in a court action described in this subsection whether the individual is a pupil in a school district and, if so, in which school district.

(6) If provided for in the statewide school safety information policy under this section, the appropriate court shall inform an appropriate school administrator of the name of the individual assigned to monitor a convicted or adjudicated youth attending a public school and of how that individual may be contacted.

(7) A school board, county prosecutor, and local law enforcement agency may enter into a local agreement or take other measures to facilitate the sharing of school safety information or to promote school safety if the agreement or other measures are consistent with the statewide school safety information policy.

(8) A school board shall cooperate with local law enforcement agencies to ensure that detailed and accurate building plans, blueprints, and site plans, as appropriate, for each school building operated by the school board are provided to the appropriate local law enforcement agency.

(9) Reporting of information by a school district or school personnel under this section is subject to section 444 of subpart 4 of part C of the general education provisions act, Title IV of Public Law 90-247, 20 U.S.C. 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(10) If a pupil is involved in an incident reported to law enforcement according to the statewide school safety information policy under this section, then upon request by school officials, the pupil's parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the pupil concerning the incident and action taken as a result of the incident.

(11) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(b) "School board" and "school district" mean those terms as defined in section 1311a.

**History:** Add. 1999, Act 102, Imd. Eff. July 6, 1999.

**Popular name:** Act 451

### **380.1309 Conduct constituting suspension; action by teacher; report; supervision; conference; return by student; adoption of local policy by school board; definitions.**

Sec. 1309. (1) If a teacher in a public school has good reason to believe that a pupil's conduct in a class, subject, or activity constitutes conduct for which the pupil may be suspended from a class, subject, or activity according to the local policy required under subsection (2), the teacher may cause the pupil to be suspended

from the class, subject, or activity for up to 1 full school day. The teacher shall immediately report the suspension and the reason for the suspension to the school principal and send the pupil to the school principal or the school principal's designee for appropriate action. If that action requires the continued presence of the pupil at school, the pupil shall be under appropriate supervision. As soon as possible after a suspension under this section, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor, school psychologist, or school social worker shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. During a suspension under this section, the pupil shall not be returned that school day to the class, subject, or activity from which he or she was suspended without the concurrence of the teacher of the class, subject, or activity and the school principal.

(2) A school board shall adopt a local policy specifying the types of conduct for which a pupil may be suspended from a class, subject, or activity by a teacher under this section. This policy shall be included in the school board's code of student conduct.

(3) As used in this section:

(a) "School board" means that term as defined in section 1311a.

(b) "School principal" means the chief administrator of a school.

**History:** Add. 1999, Act 103, Imd. Eff. July 6, 1999.

**Popular name:** Act 451

### **380.1310 Physical assault at school against another pupil; expulsion required; alternative education; definitions.**

Sec. 1310. (1) If a pupil enrolled in grade 6 or above commits a physical assault at school against another pupil and the physical assault is reported to the school board, school district superintendent, or building principal, then the school board or the designee of the school board as described in section 1311(1) on behalf of the school board shall suspend or expel the pupil from the school district for up to 180 school days. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this section to attend school in the school district during the expulsion.

(2) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under this section and pursuant to section 1311(2) or 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office for safe schools about the program or school and the types of pupils it serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(3) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(b) "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.

(c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.

(d) "School district" means a school district, a local act school district, an intermediate school district, or a public school academy.

**History:** Add. 1999, Act 102, Imd. Eff. July 6, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

**Popular name:** Act 451

### **380.1310a Report.**

Sec. 1310a. (1) At least annually, each school board shall prepare and submit to the superintendent of public instruction, in the form and manner prescribed by the superintendent of public instruction, a report stating the number of pupils expelled from the school district during the immediately preceding school year, with a brief description of the incident that caused each expulsion.

(2) In order to obtain an accurate local and statewide picture of school crime and to develop the

partnerships necessary to plan and implement school safety programs, at least annually, each school board shall report to the superintendent of public instruction, in the form and manner prescribed by the superintendent of public instruction, incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction shall consult with local and intermediate school districts and law enforcement officials. The reporting shall include at least crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism. For a property crime, the report shall include an estimate of the cost to the school district resulting from the property crime. The school crime reporting requirements of this subsection are intended to do all of the following:

(a) Help policymakers and program designers at the local and state levels develop appropriate prevention and intervention programs.

(b) Provide the continuous assessment tools needed for revising and refining school safety programs.

(c) Assist schools and school districts to identify the most pressing safety issues confronting their school communities, to direct resources appropriately, and to enhance campus safety through prevention and intervention strategies.

(d) Foster the creation of partnerships among schools, school districts, state agencies, communities, law enforcement, and the media to prevent further crime and violence and to assure a safe learning environment for every pupil.

(3) Each school building shall collect and keep current on a weekly basis the information required for the report under subsection (2) and must provide that information, within 7 days, upon request. At least annually, each school board shall make a copy disaggregated by school building, of the most recent report for the school district under subsection (2) available to the parent or legal guardian of each pupil enrolled in the school district.

(4) As used in this section, “school board” and “school district” mean those terms as defined in section 1310.

**History:** Add. 1999, Act 102, Imd. Eff. July 6, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

**Popular name:** Act 451

### **380.1311 Suspension or expulsion of pupils.**

Sec. 1311. (1) Subject to subsection (2), the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

(2) If a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:

(a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.

(b) The weapon was not knowingly possessed by the pupil.

(c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.

(d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

(3) If an individual is expelled pursuant to subsection (2), the expelling school district shall enter on the individual's permanent record that he or she has been expelled pursuant to subsection (2). Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to subsection (2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311l, an individual expelled pursuant to subsection (2) is expelled from all public schools in this state and the officials of a school district shall not



allow the individual to enroll in the school district unless the individual has been reinstated under subsection (5). Except as otherwise provided by law, a program operated for individuals expelled pursuant to subsection (2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual expelled from a school district pursuant to subsection (2) is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil expelled pursuant to subsection (2) than the amount of the foundation allowance the school district receives for the pupil as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(4) If a school board expels an individual pursuant to subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(5) The parent or legal guardian of an individual expelled pursuant to subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date of expulsion. For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions

for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.

(ii) The extent to which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.

(iii) The age and maturity of the individual.

(iv) The individual's school record before the incident that caused the expulsion.

(v) The individual's attitude concerning the incident that caused the expulsion.

(vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.

(vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(6) A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil pursuant to subsection (2), and the authorizing body of a public school academy is not liable for damages for expulsion of a pupil by the public school academy pursuant to subsection (2).

(7) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (5).

(8) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.

(9) If a pupil expelled from a public school district pursuant to subsection (2) is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or alternative education program shall immediately become eligible for the prorated share of either the public school academy or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.

(10) If an individual is expelled pursuant to subsection (2), it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion. The office of safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to subsection (2) and pursuant to section 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office of safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(11) As used in this section:

(a) "Arson" means a felony violation of chapter X of the Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

(b) "Criminal sexual conduct" means a violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(c) "Dangerous weapon" means that term as defined in section 1313.

(d) "Firearm" means that term as defined in section 921 of title 18 of the United States Code, 18 USC 921.

(e) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.

(f) "School district" means a school district, a local act school district, an intermediate school district, or a public school academy.

(g) "Weapon free school zone" means that term as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1994, Act 328, Eff. Jan. 1, 1995;—Am. 1995, Act 250, Imd. Eff. Jan. 2, 1996;—Am. 1999, Act 23, Imd. Eff. May 12, 1999;—Am. 2007, Act 138, Imd. Eff. Nov. 13, 2007;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

**Popular name:** Act 451

**380.1311a Assault by pupil against employee, volunteer, or contractor; expulsion required; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.**

Sec. 1311a. (1) If a pupil enrolled in grade 6 or above commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board and the physical assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the assault, by another person on the victim's behalf, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board.

(2) If a pupil enrolled in grade 6 or above commits a verbal assault, as defined by school board policy, at school against a person employed by or engaged as a volunteer or contractor by the school board and the verbal assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the verbal assault, by another person on the victim's behalf, or if a pupil enrolled in grade 6 or above makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall suspend or expel the pupil from the school district for a period of time as determined in the discretion of the school board or its designee. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this subsection to attend school in the school district during the expulsion.

(3) If an individual is permanently expelled pursuant to this section, the expelling school district shall enter on the individual's permanent record that he or she has been permanently expelled pursuant to this section. Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to this section and section 1311(2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311l, an individual permanently expelled pursuant to this section is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (5). Except as otherwise provided by law, a program operated for individuals expelled pursuant to this section and section 1311(2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual permanently expelled from a school district pursuant to this section is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil permanently expelled pursuant to this section than the amount of the foundation allowance the school district receives for the pupil under section 20 of the state school aid act of 1979, MCL 388.1620.

(4) If a school board permanently expels an individual pursuant to this section, the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(5) The parent or legal guardian of an individual permanently expelled pursuant to this section or, if the

individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) The individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) The individual shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.

(ii) The extent to which reinstatement of the individual would create a risk of school district or individual liability for the school board or school district personnel.

(iii) The age and maturity of the individual.

(iv) The individual's school record before the incident that caused the expulsion.

(v) The individual's attitude concerning the incident that caused the expulsion.

(vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.

(vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(6) A school board or school administrator that complies with this section is not liable for damages for suspending or expelling a pupil pursuant to this section, and the authorizing body of a public school academy is not liable for damages for suspension or expulsion of a pupil by the public school academy pursuant to this section.

(7) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (5). The department may designate the form used for a petition for reinstatement under section 1311 as a form that may be used under this section.

(8) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.

(9) If a pupil expelled from a school district pursuant to this section is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or the alternative education program is immediately eligible for the prorated share of either the public school academy's or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.

(10) A school board or its designee shall report all assaults described in subsection (1) or (2) to appropriate state or local law enforcement officials and prosecutors as provided in the statewide school safety information policy under section 1308.

(11) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to this section and pursuant to section 1311(2), and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(12) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(b) "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.

(c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.

(d) "School district" means a school district, a local act school district, an intermediate school district, or a public school academy.

**History:** Add. 1999, Act 104, Imd. Eff. July 6, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000;—Am. 2007, Act 138, Imd. Eff. Nov. 13, 2007.

**Popular name:** Act 451

### **380.1311b Strict discipline academy; powers; definitions.**

Sec. 1311b. (1) A strict discipline academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A strict discipline academy is a body corporate and is a governmental agency. The powers granted to a strict discipline academy under sections 1311b to 1311l constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in sections 1311b to 1311l:

(a) "Authorizing body" means any of the following that issues a contract as provided in sections 1311b to 1311l:

(i) The board of a school district that operates grades K to 12.

(ii) An intermediate school board.

(iii) The board of a community college.

(iv) The governing board of a state public university.

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the state board under section 1531.

(c) "Community college" means a community college organized under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or a federal tribally controlled community college that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a strict discipline academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises,



privileges, and obligations on a strict discipline academy, as provided by sections 1311b to 1311l, and confirming the status of a strict discipline academy as a public school in this state.

(e) "Entity" means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

(f) "State public university" means a university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999.

**Popular name:** Act 451

### **380.1311c Strict discipline academy; report; evaluation; contents.**

Sec. 1311c. Not later than 1 year after the effective date of this section, and at least annually thereafter, the state board shall submit a comprehensive report, with findings and recommendations, to the house and senate committees on education. The report shall evaluate strict discipline academies generally, including, but not limited to, an evaluation of whether strict discipline academies are fulfilling the purposes specified in former section 511(1). The report also shall contain, for each strict discipline academy, a copy of the academy's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, and number of and comments on supervisory visits by the authorizing body.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999.

**Popular name:** Act 451

### **380.1311d Strict discipline academy; organization of corporation; authorizing body; application; oversight; suspension of power; fees; presumption of legal organization.**

Sec. 1311d. (1) A strict discipline academy shall be organized and administered under the direction of a board of directors in accordance with sections 1311b to 1311l and with bylaws adopted by the board of directors. A strict discipline academy corporation created to operate a strict discipline academy shall be organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, except that the strict discipline academy corporation is not required to comply with sections 170 to 177 of 1931 PA 327, MCL 450.170 to 450.177. To the extent disqualified under the state or federal constitution, a strict discipline academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more strict discipline academies under sections 1311b to 1311l:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a strict discipline academy to operate outside the school district's boundaries, and a strict discipline academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a strict discipline academy to operate outside the intermediate school district's boundaries, and a strict discipline academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a strict discipline academy to operate in a school district organized as a school district of the first class, a strict discipline academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a strict discipline academy to operate outside the boundaries of the community college district, and a strict discipline academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 strict discipline academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a strict discipline academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university.

(3) To obtain a contract to organize and operate 1 or more strict discipline academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 1311e, a list of the proposed members of the board of directors of the strict discipline academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation, which shall include at least all of the following:

(i) The name of the proposed strict discipline academy.

(ii) The purposes for the strict discipline academy corporation that will operate the strict discipline academy. This language shall provide that the strict discipline academy is established pursuant to sections 1311b to 1311l and that the strict discipline academy corporation is a governmental entity.

(iii) The name of the authorizing body.

(iv) The proposed time when the articles of incorporation will be effective.

(v) Other matters considered expedient to be in the articles of incorporation.

(d) A copy of the proposed bylaws of the strict discipline academy.

(e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:

(i) The governance structure of the strict discipline academy.

(ii) A copy of the educational goals of the strict discipline academy and the curricula to be offered and methods of pupil assessment to be used by the strict discipline academy. To the extent applicable, the progress of the pupils in the strict discipline academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(iii) The admission policy and criteria to be maintained by the strict discipline academy. The admission policy and criteria shall comply with section 1311g. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a strict discipline academy is being created and adequate information on the admission policy, criteria, and process.

(iv) The school calendar and school day schedule.

(v) The age or grade range of pupils to be enrolled.

(vi) The type of pupils to be enrolled in the strict discipline academy, as described in section 1311g(3) and (4).

(f) Descriptions of staff responsibilities and of the strict discipline academy's governance structure.

(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the strict discipline academy will be located.

(h) An agreement that the strict discipline academy will comply with the provisions of sections 1311b to 1311l and, subject to the provisions of these sections, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

(i) For a strict discipline academy authorized by a school district, an assurance that employees of the strict discipline academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not strict discipline academies.

(j) A description of and address for the proposed physical plant in which the strict discipline academy will be located.

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each strict discipline academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the strict discipline academy is in compliance with statute, rules, and the terms of the contract.

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more strict discipline academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate strict discipline academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a strict discipline academy in an amount that exceeds a combined total of 3% of the total state school aid received by the strict discipline academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a strict discipline academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the strict discipline academy.

(7) A strict discipline academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a strict discipline academy for at least 2 years.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999.

**Popular name:** Act 451

**380.1311e Strict discipline academy; issuance of contract by authorizing body; placement of question on ballot; submission of contract and application to state board; selection, term, and number of members of board of directors; contract requirements; compliance with applicable law; immunity; exemption from tax; property acquisition and condemnation.**

Sec. 1311e. (1) An authorizing body is not required to issue a contract to any person or entity. Contracts for strict discipline academies shall be issued on a competitive basis taking into consideration the resources available for the proposed strict discipline academy, the population to be served by the proposed strict discipline academy, and the educational goals to be achieved by the proposed strict discipline academy.

(2) If a person or entity applies to the board of a school district for a contract to organize and operate 1 or more strict discipline academies within the boundaries of the school district and the board does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by the school electors of the school district. The petition shall contain all of the information required to be in the contract application under section 1311d and shall be signed by a number of school electors of the school district equal to at least 15% of the total number of school electors of that school district. The petition shall be filed with the secretary of the board. If the board receives a petition meeting the requirements of this subsection, the board shall place the question of issuing the contract on the ballot at its next annual school election held at least 60 days after receiving the petition. If a majority of the school electors of the school district voting on the question vote to issue the contract, the board shall issue the contract.

(3) Within 10 days after issuing a contract for a strict discipline academy, the board of the authorizing body shall submit to the state board a copy of the contract and of the application under section 1311d.

(4) An authorizing body shall adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors of each strict discipline academy subject to its jurisdiction.

(5) A contract issued to organize and administer a strict discipline academy shall contain at least all of the following:

(a) The educational goals the strict discipline academy is to achieve and the methods by which it will be held accountable. To the extent applicable, the pupil performance of a strict discipline academy shall be assessed using at least a Michigan education assessment program (MEAP) test or the Michigan merit examination developed under section 1279g, as applicable.

(b) A description of the method to be used to monitor the strict discipline academy's compliance with applicable law and its performance in meeting its targeted educational objectives.

(c) A description of the process for amending the contract during the term of the contract.

(d) All of the matters set forth in the application for the contract.

(e) For a strict discipline academy authorized by a school district, an agreement that employees of the strict discipline academy will be covered by the collective bargaining agreements that apply to employees of the school district employed in similar classifications in schools that are not strict discipline academies.

(f) Procedures for revoking the contract and grounds for revoking the contract, including at least the grounds listed in section 1311f.

(g) A description of and address for the proposed physical plant in which the strict discipline academy will be located.

(h) Requirements and procedures for financial audits. The financial audits shall be conducted at least annually by a certified public accountant in accordance with generally accepted governmental auditing principles.

(i) The term of the contract and a description of the process and standards for renewal of the contract at the end of the term. The standards for renewal shall include student growth as measured by assessments and other objective criteria as a significant factor in the decision of whether or not to renew the contract.

(6) A strict discipline academy shall comply with all applicable law, including all of the following:

(a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(b) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(c) 1947 PA 336, MCL 423.201 to 423.217.

(d) 1965 PA 166, MCL 408.551 to 408.558.

(e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

(f) Except for part 6a, all provisions of this act that explicitly apply to public school academies established under part 6a.

(7) A strict discipline academy and its incorporators, board members, officers, employees, and volunteers

have governmental immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An authorizing body and its board members, officers, and employees are immune from civil liability, both personally and professionally, for any acts or omissions in authorizing a strict discipline academy if the authorizing body or the person acted or reasonably believed he or she acted within the authorizing body's or the person's scope of authority.

(8) A strict discipline academy is exempt from all taxation on its earnings and property. Instruments of conveyance to or from a strict discipline academy are exempt from all taxation including taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. A strict discipline academy may not levy ad valorem property taxes or any other tax for any purpose. However, operation of 1 or more strict discipline academies by a school district or intermediate school district does not affect the ability of the school district or intermediate school district to levy ad valorem property taxes or any other tax.

(9) A strict discipline academy may acquire by purchase, gift, devise, lease, sublease, installment purchase agreement, land contract, option, or by any other means, hold and own in its own name buildings and other property for school purposes, and interests therein, and other real and personal property, including, but not limited to, interests in property subject to mortgages, security interests, or other liens, necessary or convenient to fulfill its purposes. For the purposes of condemnation, a strict discipline academy may proceed under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding sections 6 to 9 of that act, MCL 213.56 to 213.59, or other applicable statutes, but only with the express, written permission of the authorizing body in each instance of condemnation and only after just compensation has been determined and paid.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999;—Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010.

**Popular name:** Act 451

### **380.1311f Levy of taxes or issuance of bonds by school district.**

Sec. 1311f. If a school district or intermediate school district applies for and obtains a contract to operate 1 or more strict discipline academies under sections 1311b to 1311l, the power of the school district or intermediate school district to levy taxes for any purpose under this act is not affected by the operation of a strict discipline academy by the school district or intermediate school district. Revenue from taxes levied by a school district or intermediate school district under this act or bonds issued by a school district or intermediate school district under this act may be used to support the operation or facilities of a strict discipline academy operated by the school district or intermediate school district in the same manner as that revenue may be used under this act by the school district or intermediate school district to support school district or intermediate school district operations and facilities. This section does not authorize a school district or intermediate school district to levy taxes or to issue bonds for any purpose that is not otherwise authorized under this act.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999.

**Popular name:** Act 451

### **380.1311g Strict discipline academy; location; tuition; admission policies or practices; enrollment; types of pupils; special education pupils; individuals committed to high-security or medium-security juvenile facility; residence requirements; grades.**

Sec. 1311g. (1) A strict discipline academy may be located in all or part of an existing public school building. Except for a strict discipline academy that includes pupils who are the responsibility of a county juvenile agency, a strict discipline academy shall not operate at a site other than the single site requested for the configuration of grades that will use the site, as specified in the application required under section 1311d and in the contract.

(2) A strict discipline academy shall not charge tuition. Except as otherwise provided in subsection (5), a strict discipline academy shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a strict discipline academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

(3) A strict discipline academy shall be established under sections 1311b to 1311l specifically for enrolling 1 or more of the following types of pupils:

(a) Pupils placed in the strict discipline academy by a court or by the department of human services or a county juvenile agency under the direction of a court.

(b) Pupils who have been expelled under section 1311(2).

(c) Pupils who have been expelled under section 1311a or another provision of this act.

(d) Other pupils who have been expelled from school, or pupils who have been suspended from school for

a suspension that is for a period in excess of 10 school days, and who are referred to the strict discipline academy by that pupil's school and placed in the strict discipline academy by the pupil's parent or legal guardian. However, a suspended pupil shall be allowed to attend the strict discipline academy only for the duration of the suspension.

(4) In addition to the types of pupils specified in subsection (3), a strict discipline public school academy shall be open for enrollment of a special education pupil who does not meet the requirements of subsection (3) if the special education pupil's individualized education program team recommends that the special education pupil be placed in the strict discipline public school academy. As used in this subsection, "individualized education program team" means that term as defined in section 614 of part B of title VI of the individuals with disabilities education act, 20 USC 1414.

(5) A strict discipline academy shall enroll only 1 or more of the types of pupils described in subsection (3) or (4). A strict discipline academy is not required to keep any group of pupils described in subsection (3) or (4) physically separated from another group of those pupils, as might otherwise be required under section 1311, section 1311a, or another provision of this act.

(6) Strict discipline academies are not intended to enroll or otherwise be used to educate individuals who are committed to a high-security or medium-security juvenile facility operated by the department of human services or another state department or agency. Further, if the department of corrections or another state department or agency other than the department of human services has custody of or jurisdiction over a child, that state department or agency has the financial responsibility for educating the child.

(7) Except for a foreign exchange student who is not a United States citizen, a strict discipline academy shall not enroll a pupil who is not a resident of this state. Enrollment in the strict discipline academy may be open to all individuals who reside in this state who meet the admission policy under subsections (3) and (4) and shall be open to all pupils who reside within the geographic boundaries, if any, of the authorizing body as described in section 1311d who meet the admission policy under subsections (3) and (4), except that admission to a strict discipline academy authorized by the board of a community college to operate, or operated by the board of a community college, on the grounds of a federal military installation, as described in section 1311d, shall be open to all pupils who reside in the county in which the federal military installation is located who meet the admission policy under subsections (3) and (4). For a strict discipline academy authorized by a state public university, enrollment shall be open to all pupils who reside in this state who meet the admission policy under subsections (3) and (4). If there are more applications to enroll in the strict discipline academy than there are spaces available, pupils shall be selected to attend using a random selection process. However, a strict discipline academy may give enrollment priority to a sibling of a pupil enrolled in the strict discipline academy. Except for a suspended pupil who is attending the strict discipline academy for the duration of the suspension, a strict discipline academy shall allow any pupil who was enrolled in the strict discipline academy in the immediately preceding school year to enroll in the strict discipline academy in the appropriate grade unless the appropriate grade is not offered at that strict discipline academy.

(8) A strict discipline academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. The authorizing body may approve amendment of a contract with respect to ages of pupils or grades offered.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999;—Am. 2005, Act 28, Imd. Eff. May 23, 2005;—Am. 2007, Act 21, Imd. Eff. June 19, 2007;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

**Popular name:** Act 451

### **380.1311h Strict discipline academy; additional powers.**

Sec. 1311h. In addition to other powers set forth in sections 1311b to 1311l, a strict discipline academy may take action to carry out the purposes for which it was incorporated under sections 1311b to 1311l, including, but not limited to, all of the following:

(a) To sue and be sued in its name.

(b) To acquire, hold, and own in its own name real and personal property, or interests in real or personal property, for educational purposes by purchase, gift, grant, devise, bequest, lease, sublease, installment purchase agreement, land contract, option, or condemnation, and subject to mortgages, security interests, or other liens; and to sell or convey the property as the interests of the strict discipline academy require.

(c) To receive and disburse funds for lawful purposes.

(d) To enter into binding legal agreements with persons or entities as necessary for the operation, management, and maintenance of the strict discipline academy.

(e) To incur temporary debt in accordance with section 1225.

(f) To solicit and accept any grants or gifts for educational purposes and to establish or permit to be established on its behalf 1 or more nonprofit corporations the purpose of which is to assist the strict discipline



academy in the furtherance of its public purposes.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999.

**Popular name:** Act 451

### **380.1311i School district subject to court desegregation order.**

Sec. 1311i. If a strict discipline academy is operated by a school district that is subject to a court desegregation order, pupil selection at the strict discipline academy is subject to that order.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999.

**Popular name:** Act 451

### **380.1311j Use of certificated and noncertificated teachers; teaching techniques or methods.**

Sec. 1311j. (1) Except as otherwise provided by law, a strict discipline academy shall use certificated teachers according to state board or superintendent of public instruction rule.

(2) A strict discipline academy operated by a state public university or community college may use noncertificated individuals to teach as follows:

(a) If the strict discipline academy is operated by a state public university, the strict discipline academy may use as a classroom teacher in any grade a faculty member who is employed full-time by the state public university and who has been granted institutional tenure, or has been designated as being on tenure track, by the state public university.

(b) For a strict discipline academy operated by a community college, the strict discipline academy may use as a classroom teacher a full-time member of the community college faculty who has at least 5 years' experience at that community college in teaching the subject matter that he or she is teaching at the strict discipline academy.

(c) In any other situation in which a school district is permitted under this act to use noncertificated teachers.

(3) A strict discipline academy may develop and implement new teaching techniques or methods or significant revisions to known teaching techniques or methods, and shall report those to the authorizing body and state board to be made available to the public. A strict discipline academy may use any instructional technique or delivery method that may be used by a school district.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999.

**Popular name:** Act 451

### **380.1311k Personnel.**

Sec. 1311k. A strict discipline academy, with the approval of the authorizing body, may employ or contract with personnel as necessary for the operation of the strict discipline academy, prescribe their duties, and fix their compensation.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999.

**Popular name:** Act 451

### **380.1311l Authorizing body as fiscal agent; revocation of contract.**

Sec. 1311l. (1) The authorizing body for a strict discipline academy is the fiscal agent for the strict discipline academy. A state school aid payment for a strict discipline academy shall be paid to the authorizing body that is the fiscal agent for that strict discipline academy, which shall then forward the payment to the strict discipline academy. An authorizing body has the responsibility to oversee a strict discipline academy's compliance with the contract and all applicable law. A contract issued under sections 1311b to 1311l may be revoked by the authorizing body that issued the contract if the authorizing body determines that 1 or more of the following has occurred:

(a) Failure of the strict discipline academy to abide by and meet the educational goals set forth in the contract.

(b) Failure of the strict discipline academy to comply with all applicable law.

(c) Failure of the strict discipline academy to meet generally accepted public sector accounting principles.

(d) The existence of 1 or more other grounds for revocation as specified in the contract.

(2) The decision of an authorizing body to revoke a contract under this section is solely within the discretion of the authorizing body, is final, and is not subject to review by a court or any state agency. An authorizing body that revokes a contract under this section is not liable for that action to the strict discipline academy, strict discipline academy corporation, a pupil of the strict discipline academy, the parent or guardian of a pupil of the strict discipline academy, or any other person.

**History:** Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

**380.1311m Strict discipline academy; compliance with public employees health benefit act.**

Sec. 1311m. If the board of directors of a strict discipline academy provides medical, optical, or dental benefits to employees and their dependents, the board of directors shall provide those benefits in accordance with the public employees health benefit act and shall comply with that act.

**History:** Add. 2007, Act 107, Imd. Eff. Oct. 1, 2007.

Popular name: Act 451

**380.1312 "Corporal punishment" defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.**

Sec. 1312. (1) As used in this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

(2) Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.

(3) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy shall not inflict or cause to be inflicted corporal punishment upon any pupil under any circumstances.

(4) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary for 1 or more of the following:

(a) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school-related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.

(b) For self-defense or the defense of another.

(c) To prevent a pupil from inflicting harm on himself or herself.

(d) To quell a disturbance that threatens physical injury to any person.

(e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.

(f) To protect property.

(5) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy who exercises necessary reasonable physical force upon a pupil, or upon another person of school age in a school-related setting, as described in subsection (4) is not liable in a civil action for damages arising from the use of that physical force and is presumed not to have violated subsection (3) by the use of that physical force. This subsection does not alter or limit a person's immunity from liability provided under 1964 PA 170, MCL 691.1401 to 691.1415.

(6) A person who willfully or through gross negligence violates subsection (3) or who willfully or through gross negligence violates subsection (4) may be appropriately disciplined by his or her school board or public school academy. This subsection does not limit a school board's or public school academy's authority to discipline an employee for a violation of its own policies.

(7) In determining whether an employee, volunteer, or contractor has acted in accordance with subsection (4), deference shall be given to reasonable good-faith judgments made by that person.

(8) A local or intermediate school district or a public school academy shall develop and implement a code of student conduct and shall enforce its provisions with regard to pupil misconduct in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises.

(9) The department shall develop a model list of alternatives to the use of corporal punishment. This model list shall be developed in consultation with organizations that represent the interests of teachers, school employees, school boards, school administrators, pupils, parents, and child advocates, plus any other organization that the state board of education may wish to consult. The department shall send this model list to each school district, public school academy, and intermediate school district in the state and to each nonpublic school in the state that requests it. A local or intermediate school board or public school academy shall approve and cause to be distributed to each employee, volunteer, and contractor a list of alternatives to the use of corporal punishment. Upon request, the department of education shall provide assistance to schools

in the development of programs and materials to implement this section.

(10) Any resolution, bylaw, rule, policy, ordinance, or other authority permitting corporal punishment is void.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 521, Eff. Mar. 30, 1989;—Am. 1992, Act 6, Imd. Eff. Mar. 10, 1992;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 461, Imd. Eff. Jan. 10, 2001.

**Popular name:** Act 451

### **380.1313 Dangerous weapon found in possession of pupil; report; confiscation by school official; determination of legal owner; “dangerous weapon” defined.**

Sec. 1313. (1) If a dangerous weapon is found in the possession of a pupil while the pupil is in attendance at school or a school activity or while the pupil is enroute to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, immediately shall report that finding to the pupil's parent or legal guardian and the local law enforcement agency.

(2) If a school official finds that a dangerous weapon is in the possession of a pupil as described in subsection (1), the school official may confiscate the dangerous weapon or shall request a law enforcement agency to respond as soon as possible and to confiscate the dangerous weapon. If a school official confiscates a dangerous weapon under this subsection, the school official shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon. A school official who complies in good faith with this section is not civilly or criminally liable for that compliance.

(3) A law enforcement agency that takes possession of a dangerous weapon under subsection (2) shall check all available local and state stolen weapon and stolen property files and the national crime information center stolen gun and property files to determine the legal owner of the dangerous weapon. If the dangerous weapon is a pistol, the law enforcement agency also shall check the state pistol registration records to determine the legal owner. If the law enforcement agency is able to determine the legal owner of the dangerous weapon, and if the legal owner did not knowingly provide the dangerous weapon to the pupil or lawfully provided the dangerous weapon to the pupil but did not know or have reason to know that the pupil would possess the dangerous weapon while in attendance at school or a school activity or while en route to or from school on a school bus, the law enforcement agency shall send by certified mail to the legal owner a notice that the agency is in possession of the dangerous weapon and that the legal owner has 90 days from receipt of the notice to claim the dangerous weapon.

(4) As used in this section, “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

**History:** Add. 1987, Act 211, Imd. Eff. Dec. 22, 1987;—Am. 1995, Act 76, Eff. Aug. 1, 1995.

**Popular name:** Act 451

### **380.1316 Public school fraternity, sorority, or secret society prohibited; definition.**

Sec. 1316. (1) A school official or a board of a school district shall not authorize, support, or permit the creation and existence of a public school fraternity, sorority, or secret society.

(2) A fraternity, sorority, or secret society is declared an obstruction to education and inimical to the public welfare.

(3) As used in this section, a “public school fraternity, sorority, or secret society” means an organization whose active membership is composed wholly or in part of pupils of the public schools of this state enrolled in 1 or more of the 12 grades and perpetuating itself by taking in additional members from the pupils enrolled in the public schools on the basis of the decision of its membership, rather than upon the right of a pupil who is qualified by the regulations of the school to be a member of and take part in class or group exercises, subjects required by the course of study, or program of school activities fostered and promoted by the board and superintendent of schools or by the board and intermediate superintendent for a school not employing a superintendent of schools.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1317 Public school employee or volunteer; prohibited conduct; exceptions; penalties; definitions.**

Sec. 1317. (1) Except as otherwise provided in subsection (2), a public school employee or volunteer shall not do any of the following:

(a) Knowingly sell, market, distribute, or promote the use of a dietary supplement that contains a performance-enhancing compound to a pupil with whom the public school employee or volunteer has contact

as part of his or her duties as a public school employee or activities as a public school volunteer.

(b) Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by a pupil with whom the public school employee or volunteer has contact as part of his or her duties as a public school employee or activities as a public school volunteer.

(2) This section does not prohibit a public school employee or volunteer from doing any of the following:

(a) Providing, endorsing, or promoting the use of a dietary supplement that contains a performance-enhancing compound to, or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by, the public school employee's or volunteer's own child.

(b) Selling, marketing, distributing, or promoting the use of a dietary supplement that contains a performance-enhancing compound to, or endorsing or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by, a pupil as part of an activity that meets all of the following:

(i) Does not occur on school property or at a school-related function.

(ii) Is entirely separate from any aspect of the public school employee's employment as a public school employee or public school volunteer's activities as a public school volunteer.

(iii) Does not in any way involve information about or contacts with a pupil that the public school employee or volunteer has had direct or indirect access to through any aspect of the public school employee's employment as a public school employee or public school volunteer's activities as a public school volunteer.

(3) A person who violates this section is subject to the penalties under section 1804.

(4) As used in this section:

(a) "Dietary supplement" means that term as defined in section 201 of the federal food, drug, and cosmetic act, chapter 675, 52 Stat. 1040, 21 U.S.C. 321.

(b) "Performance-enhancing compound" means a manufactured product for oral ingestion, intranasal application, or inhalation that meets both of the following:

(i) Contains a stimulant, amino acid, hormone precursor, herb or other botanical, or any other substance that is not an essential vitamin or mineral.

(ii) Is intended to increase athletic or intellectual performance, promote muscle growth, or increase an individual's endurance or capacity for exercise.

(c) "Public school employee" means a person employed by a school district, local act school district, intermediate school district, or public school academy. For the purposes of this section, public school employee also includes a person performing services on behalf of a school district, local act school district, intermediate school district, or public school academy pursuant to a contract.

(d) "Public school volunteer" means a person serving as a volunteer in any capacity in a public school.

**History:** Add. 1999, Act 187, Eff. Feb. 23, 2000.

**Popular name:** Act 451

### **380.1318 Use of performance-enhancing substances in interscholastic athletics; eligibility policy; list of drugs to be provided by department of community health.**

Sec. 1318. (1) The board of a school district or board of directors of a public school academy shall ensure that its policies concerning a pupil's eligibility for participation in interscholastic athletics include use of a performance-enhancing substance by the pupil as a violation that will affect a pupil's eligibility, as determined by the board or board of directors. The governing body of a nonpublic school is encouraged to adopt an eligibility policy that meets the requirements of this section.

(2) For the purposes of this section, the department of community health shall develop, periodically update, and make available to school districts, public school academies, and nonpublic schools a list of performance-enhancing substances. The department of community health shall base the list on the list of banned drugs contained in bylaw 31.2.3.1 of the bylaws of the national collegiate athletic association.

**History:** Add. 2006, Act 215, Imd. Eff. June 26, 2006.

### **380.1321 Transportation for pupils; requirements; payment.**

Sec. 1321. (1) Subject to the balance of this section, the board of a school district providing transportation for its resident pupils, other than students with a disability transported under article 3 or other pupils who cannot safely walk to school, shall provide transportation for each resident public or nonpublic school pupil if all of the following requirements are met:

(a) The school district provides transportation for the elementary school level, middle or junior high school level, or high school level, as defined by the local school board, in which the pupil is enrolled.

(b) The pupil is a person for whom the school district is eligible to receive state school aid for transportation.

(c) The pupil is attending either the public or the nearest state approved nonpublic school in the school district to which the pupil is eligible to be admitted.

(2) Transportation provided under subsection (1) shall be without charge to the resident pupil, the parent, guardian, or person standing in loco parentis to the pupil.

(3) A school district is not required to transport or pay for transportation of a resident pupil living within 1-1/2 miles, by the nearest traveled route, to the public or state approved nonpublic school in which the pupil is enrolled. A school district is not required to transport or pay for the transportation of a resident pupil attending a nonpublic school who lives in an area less than 1-1/2 miles from a public school in which public school pupils are not transported, except that the school district is required to transport or pay for the transportation of the resident pupil from the public school within the area to the nonpublic school the pupil attends.

(4) A school district is not required to transport or pay for the transportation of resident pupils to state approved nonpublic schools located outside the district unless the school district transports some of its resident pupils, other than students with a disability under article 3, to public schools located outside the district, in which case the school district shall transport or pay for the transportation of resident pupils attending a state approved nonpublic school at least to the distance of the public schools located outside the district to which the district transports resident pupils and in the same general direction.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 20, Imd. Eff. Mar. 4, 1982;—Am. 1990, Act 163, Imd. Eff. July 2, 1990;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

**Popular name:** Act 451

### **380.1322 Transportation for pupils; routes; rules; construction of section; vehicles.**

Sec. 1322. (1) A pupil attending public school or the nearest state approved nonpublic school available, to which nonpublic school the pupil may be admitted, shall be transported along the regular routes as determined by the board to public and state approved nonpublic schools. Transportation to public and the nearest state approved nonpublic school located within or outside the district to which nonpublic school the pupil is eligible to be admitted shall be provided under the rules promulgated by the state board. Rules shall not require the transportation or payment for transportation for nonpublic school pupils on days when public school pupils are not transported.

(2) This section shall not be construed to require or permit transportation of pupils to a state approved nonpublic school attending in the elementary grades when transportation is furnished by the school district for secondary pupils only, nor to require or permit the transportation of pupils to a state approved nonpublic school attending the secondary grades when transportation is furnished by the district for elementary pupils only.

(3) Vehicles used for the transportation of pupils shall be adequate and of ample capacity.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**Administrative rules:** R 340.281 et seq. of the Michigan Administrative Code.

### **380.1323 Transportation of nonpublic school pupils to and from auxiliary service sites; payment of costs; applicability of subsection (1).**

Sec. 1323. (1) Except as otherwise provided in this section, the board of a school district that provides auxiliary services to pupils pursuant to section 1296 shall provide transportation from the nonpublic school to and from the site where the auxiliary services are provided to resident and nonresident nonpublic school pupils receiving those services, to the extent the reasonable costs of the transportation of nonspecial education pupils are paid for by the state, except for pupils whose transportation costs are being reimbursed under section 71 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1671 of the Michigan Compiled Laws.

(2) The board of a school district that does not provide transportation for public school pupils, other than special education pupils, is not required to transport nonpublic school pupils to and from auxiliary service sites for nonspecial education auxiliary services.

(3) The requirements of subsection (1) do not apply if the superintendent of public instruction determines that a school district is in substantial compliance with section 1296 without the provision of transportation between the nonpublic school and the site where the auxiliary services are provided.

**History:** Add. 1986, Act 151, Imd. Eff. July 3, 1986.



Popular name: Act 451

### **380.1324 Transportation for pupils; contracts; price.**

Sec. 1324. The board of a school district or board of directors of a public school academy may enter into a contract with the board of another school district or board of directors of a public school academy or with private persons to furnish transportation for nonresident pupils attending public and state approved nonpublic schools located within the school district or in other school districts. The price paid for the transportation shall not be less than the actual cost of the transportation to the school district or public school academy furnishing transportation.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

Popular name: Act 451

### **380.1325 School district, intermediate school district, or consortium of districts contracting with other districts to provide transportation for pupils.**

Sec. 1325. (1) A school district, intermediate school district, or consortium consisting of any combination of local or intermediate districts may contract with the board of another district to provide transportation for the pupils of the other district either within or outside the other district.

(2) For purposes of providing the transportation, and subject to the requirements of this act for school buildings, supplies, and vehicles, a local or intermediate district or consortium that enters into a contract with another district to provide transportation as described in subsection (1) may do 1 or more of the following:

(a) Acquire 1 or more sites, acquire or construct 1 or more buildings, or improve or enlarge 1 or more existing buildings.

(b) Furnish, equip, operate, and maintain 1 or more buildings.

(c) Acquire school buses, other school vehicles, and related supplies.

**History:** Add. 1992, Act 140, Imd. Eff. July 15, 1992.

Popular name: Act 451

### **380.1331 Repealed. 1990, Act 189, Eff. Aug. 15, 1990.**

**Compiler's note:** The repealed section pertained to transportation of pupils to educational programs at fairs, health clinics, and educational functions.

Popular name: Act 451

### **380.1332 Transportation for pupils; nonmandatory and noncredit events; fees; rules; additional school buses; insurance.**

Sec. 1332. (1) The board of a school district may collect a fee for transporting pupils enrolled in grades K to 12 to or from nonmandatory and noncredit events sponsored by the school district. Fees charged shall cover expenses for the trips involved, under rules promulgated by the state board.

(2) A board of education shall not purchase additional school buses for the sole purpose of implementing this section.

(3) Insurance to indemnify the school district, its officers, or employees against liability for damages arising out of the use of school buses shall be obtained before fees or fares are charged.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

**Administrative rules:** R 340.241 et seq. of the Michigan Administrative Code.

### **380.1333 Transportation of senior citizens, retired or disabled persons, or members of nonprofit organization to activities, events, or outings; cost; transportation of persons other than pupils to school-sponsored events; fee; insurance; priority; purchase of additional school buses; agreement; definition; rules.**

Sec. 1333. (1) Pursuant to an agreement made under subsection (4), the board of a school district may permit the use of a school bus, which is not otherwise being used for school purposes, by an organization or group for purposes of transporting senior citizens or retired or disabled persons, or by a nonprofit organization for purposes of transporting its members, to or from an activity, event, or outing, if the board determines that suitable or economically feasible public or private transportation is not available for this purpose. Mileage, insurance, and other costs may be paid by the group or organization or may be waived by the board of the school district.

(2) The board of a school district may permit the use of a school bus for the purposes of transporting persons other than pupils to school-sponsored events. The board may collect a fee for transporting persons

other than pupils to or from school-sponsored events to cover expenses for the trips involved. Insurance to indemnify the school district, its officers, or employees against liability for damages arising out of the use of school buses shall be obtained before persons other than pupils are transported and fees charged. The pupils of the district should be given first priority for any transportation furnished by the board.

(3) The board of a school district shall not purchase additional school buses for the sole purpose of implementing this section.

(4) A local unit of government, including a city, county, village, or township, may enter into an agreement with a board of a school district within its area for the use of school buses to transport senior citizens or retired or disabled persons or members of a nonprofit organization, subject to the same terms and conditions provided in subsection (1).

(5) As used in this section, "nonprofit organization" means any 1 of the following:

(a) A corporation organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws.

(b) A corporation to which the nonprofit corporation act applies as provided in sections 121 and 123 of Act No. 162 of the Public Acts of 1982, being sections 450.2121 and 450.2123 of the Michigan Compiled Laws.

(c) A group, society, organization, or association organized to carry out any lawful purpose not involving pecuniary profit or gain for its officers, trustees, or members.

(6) The state board shall promulgate rules to implement this section.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 277, Imd. Eff. Oct. 8, 1980;—Am. 1982, Act 306, Imd. Eff. Oct. 13, 1982;—Am. 1989, Act 159, Eff. Mar. 13, 1990.

**Popular name:** Act 451

**Administrative rules:** R 340.231 et seq. of the Michigan Administrative Code.

### **380.1334 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to boarding of pupils.

**Popular name:** Act 451

### **380.1335 Boarding schools; licensing and regulation.**

Sec. 1335. The state board shall license and regulate boarding schools.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**Administrative rules:** R 340.481 et seq. of the Michigan Administrative Code.

### **380.1336 Repealed. 1990, Act 189, Eff. Aug. 15, 1990.**

**Compiler's note:** The repealed section pertained to transportation routes and walking distances for pupils.

**Popular name:** Act 451

### **380.1341 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to purchase of station wagons, passenger vans, and school bus.

**Popular name:** Act 451

### **380.1341a, 380.1341b Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to cost of purchasing pupil transportation vehicles, school buses, and rehabilitating school buses, and an additional allowance for vehicle rental and amortization.

**Popular name:** Act 451

### **380.1342 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to operation, storage, maintenance, and repair of school buses.

**Popular name:** Act 451

### **380.1343, 380.1344 Repealed. 1990, Act 189, Eff. Aug. 15, 1990.**

**Compiler's note:** The repealed sections pertained to safety specifications for and painting of school buses.

**Popular name:** Act 451

### **380.1346 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to camps for recreational and instructional purposes.

**Popular name:** Act 451

### **380.1347 United States flag; purchase; size; appliances; display.**

Rendered Friday, January 14, 2011

Page 125 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

Sec. 1347. The board of each school district shall purchase a United States flag of a size of not less than 4 feet 2 inches by 8 feet, flag staff, and the necessary appliances therefor, and shall display the flag upon the staff which shall be erected on each public school building or on a conspicuous place upon the school grounds at all times during school hours, inclement weather excepted, in which case the flag shall be prominently displayed within the school building.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1348, 380.1349 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to information between community and board and contract with yearbook photographer.

**Popular name:** Act 451

## **PART 17 BONDS AND NOTES**

### **380.1351 Borrowing money and issuing bonds; purposes; limitations; bonds or notes as full faith and credit tax limited obligations.**

Sec. 1351. (1) Until May 1, 1994, a school district may borrow money and issue bonds of the district to defray all or a part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurbishing, equipping, or reequipping school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities, or parts of or additions to those facilities; acquiring, preparing, developing, or improving sites, or parts of or additions to sites, for school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses; participating in the administrative costs of an urban renewal program through which the school district desires to acquire a site or addition to a site for school purposes; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the purposes set forth in this subsection. In addition, until December 31, 1991 a school district may borrow money and issue bonds to defray all or part of the cost of purchasing textbooks.

(2) Except as otherwise provided in this subsection, a school district shall not borrow money or issue bonds for a sum that, together with the total outstanding bonded indebtedness of the district, exceeds 5% of the state equalized valuation of the taxable property within the district, unless the proposition of borrowing the money or issuing the bonds is submitted to a vote of the school electors of the district at a regular or special school election and approved by the majority of the school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a, to issue bonds under section 11i of the state school aid act of 1979, MCL 388.1611i, or, if the school district has fewer than 1,100 pupils in membership in 2006 and is located in a county with a population of less than 30,500 as of the 2000 decennial census, to issue qualified zone academy bonds. For the purposes of this subsection, the following types of bonds shall not be included in computing the total outstanding bonded indebtedness of a school district:

(a) Bonds issued under section 11i of the state school aid act of 1979, MCL 388.1611i.

(b) If the school district has fewer than 1,100 pupils in membership in 2006 and is located in a county with a population of less than 30,500 as of the 2000 decennial census, qualified zone academy bonds.

(3) A school district shall not issue bonds under this part for an amount greater than 15% of the total assessed valuation of the district, except as provided in section 1356. A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the 15% limitation. Bonds issued under this part are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except that bonds issued for a purpose described in section 1274a may be sold at a public or publicly negotiated sale at the time or times, at the price or prices, and at a discount as determined by the board of the school district.

(4) Bonds or notes issued by a school district or intermediate school district under this part or section 442, 629, or 1274a shall be full faith and credit tax limited obligations of the district pledging the general funds, voted and allocated tax levies, or any other money available for such a purpose and shall not allow or provide for the levy of additional millage for payment of the bond or note without a vote of the qualified electorate of the district.

(5) As used in this section, "qualified zone academy bond" means that term as defined in section 1397e of the internal revenue code, 26 USC 1397e.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1985, Act 22, Imd. Eff. May 20, 1985;—Am. 1990, Act 352, Imd. Eff. Dec. 26, 1990;—Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997;—Am. 2002, Act 67, Imd. Eff.

**Popular name:** Act 451

### **380.1351a Borrowing money and issuing bonds.**

Sec. 1351a. (1) Beginning with bonds issued after May 1, 1994, a school district shall not borrow money and issue bonds of the district under section 1351(1). However, a school district may borrow money and issue bonds of the district to defray all or a part of the cost of purchasing, erecting, completing, remodeling, or equipping or reequipping, except for equipping or reequipping for technology, school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities, or parts of or additions to those facilities; furnishing or refurnishing new or remodeled school buildings; acquiring, preparing, developing, or improving sites, or parts of or additions to sites, for school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses; acquiring, installing, or equipping or reequipping school buildings for technology; or accomplishing a combination of the purposes set forth in this subsection. Section 1351(2) to (4) applies to bonds issued under this section.

(2) The proceeds of bonds issued under this section or under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i, shall be used for capital expenditures and to pay costs of bond issuance, and shall not be used for maintenance costs. Except as otherwise provided in this subsection, a school district that issues bonds under this section or under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i, shall have an independent audit, using generally accepted accounting principles, of its bonding activities under these sections conducted within 120 days after completion of all projects financed by the proceeds of the bonds and shall submit the audit report to the department of treasury. For bonds issued under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i, the independent audit required under this subsection may be conducted and submitted with the annual report required under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(3) A school district shall not borrow money and issue notes or bonds under this section to defray all or part of the costs of any of the following:

(a) Upgrades to operating system or application software.

(b) Media, including diskettes, compact discs, video tapes, and disks, unless used for the storage of initial operating system software or customized application software included in the definition of technology under this section.

(c) Training, consulting, maintenance, service contracts, software upgrades, troubleshooting, or software support.

(4) A resident of a school district has standing to bring suit against the school district to enforce the provisions of this section in a court having jurisdiction.

(5) As used in this section, “technology” means any of the following:

(a) Hardware and communication devices that transmit, receive, or compute information for pupil instructional purposes.

(b) The initial purchase of operating system software or customized application software, or both, accompanying the purchase of hardware and communication devices under subdivision (a).

(c) The costs of design and installation of the hardware, communication devices, and initial operating system software or customized application software authorized under this subsection.

**History:** Add. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 278, Imd. Eff. July 11, 1994;—Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997;—Am. 2002, Act 65, Imd. Eff. Mar. 15, 2002.

**Popular name:** Act 451

### **380.1351b Appreciation or sale at discount.**

Sec. 1351b. Beginning with bonds issued after May 1, 1995, bonds issued under section 1351a shall not in whole or in part appreciate in principal amount or be sold at a discount of more than 10%.

**History:** Add. 1994, Act 278, Imd. Eff. July 11, 1994.

**Popular name:** Act 451

### **380.1352 Borrowing money or issuing bonds; contract for legal representation.**

Sec. 1352. The board of a school district or intermediate school district shall not contract for legal representation by an attorney or law firm in connection with borrowing money and issuing bonds under this act unless the board or intermediate school board does all of the following:

(a) Requests from the attorney or law firm and obtains before entering into the contract disclosure of whether the attorney or law firm also represents the underwriter of the bonds or any other party involved in the bond issue.

(b) If the disclosure under subdivision (a) indicates that the attorney or law firm represents the underwriter or another party involved in the bond issue, consents by majority vote of the board or intermediate school board to entering into the contract notwithstanding the attorney's or law firm's representation of the underwriter or other party as well as the board or intermediate school board.

(c) In its contract with the attorney or law firm, requires the attorney or law firm to submit itemized billings on at least a monthly basis that itemize at least time and services provided and any payments made by the attorney or law firm to third parties in connection with representation of the board or intermediate school board.

**History:** Add. 1994, Act 278, Imd. Eff. July 11, 1994.

**Popular name:** Act 451

**380.1356 Operating deficit; notes or bonds; determining amount of deficit; resolution; pledge of security; maturity; interest; installments; redemption; valid and binding general obligations; payment; use of proceeds; review and approval of budget.**

Sec. 1356. (1) Notwithstanding section 1351, a school district that has an operating or projected operating deficit in excess of \$100.00 per membership pupil may borrow and issue its negotiable interest bearing notes or bonds for the purpose of funding the deficit in accordance with this section. This authority is in addition to and not in derogation of any power granted to a school district by any other provision of this act. However, except for the purpose of funding an operating or projected operating deficit resulting from a state tax tribunal order or a court order, a school district shall not initiate the procedures to borrow money or issue notes or bonds under this section after January 1, 1994.

(2) Before a board of a school district issues notes or bonds under this section, the board shall provide by resolution for the submission of the following certified and substantiated information to the department of treasury:

(a) There exists or will exist an operating deficit in the school district in excess of \$100.00 per membership pupil.

(b) During or before the fiscal year in which the application is made, the school district has made every available effort to offset the deficit, including submission of a question to the school electors of the district to increase the rate of ad valorem property taxes levied in the school district.

(c) The school district has a plan approved by the school board that outlines actions to be taken to balance future expenditures with anticipated revenues.

(3) The existence of the operating or projected operating deficit and the amount of the operating or projected operating deficit shall be determined by the department of treasury, using normal school accounting practices. If a financial audit is required to arrive at a conclusive determination as to the amount of the deficit, the state treasurer shall charge all necessary expenses for the audit, including per diem and travel expenses, to the school district, and the school district shall make payment to the state treasurer for these expenses. The determination by the department of treasury is final and conclusive as to the existence of an operating or projected operating deficit, the amount of the deficit, and the amount of the deficit per membership pupil.

(4) The notes or bonds may be issued in 1 or more series by resolution adopted by the school board, which resolution in each case shall make reference to the determination of the department of treasury. The amount of a note or bond issued shall not exceed the amount of the operating deficit as shown by the determination.

(5) The school district shall pledge as secondary security for the notes or bonds future state school aid payments, if any, and other funds of the district legally available as security.

(6) The notes or bonds shall mature serially with annual maturities not more than 10 years from their date and shall bear interest, payable annually or semiannually, at a rate or rates not exceeding a rate determined by the school board in the school district's borrowing resolution. The first principal installment on the notes or bonds shall be due not more than 18 months from the date of the notes or bonds, and a principal installment on the notes shall not be less than 1/3 of the principal amount of a subsequent principal installment. The notes or bonds may be made subject to redemption before maturity with or without premium in a manner and at times provided in the resolution authorizing the issuance of the notes or bonds.

(7) Notes or bonds issued under this section are valid and binding general obligations of the school district, it being the intent and purpose that the notes or bonds and the interest on the notes or bonds be promptly paid when due from the first money available to the district not pledged for other indebtedness and except to the extent that the use is restricted by the state constitution of 1963 or the laws of the United States.

(8) Except as otherwise provided in this section, bonds and notes issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(9) The proceeds of the sale of notes authorized under this section, after payment of the costs of issuance of the notes or bonds and interest on the notes or bonds for a period not to exceed 9 months, shall be used solely



for the purpose of paying necessary operating expenses of the school district, including the payment of principal of and interest on notes or bonds of the school district issued for operating purposes under this or any other act.

(10) A board of a school district that borrows pursuant to subsections (1) to (9) shall submit its budget for review and approval to the department of education. The department of education shall take necessary steps, subject to the school district's contracts and statutory obligations, to assure that the expenditures of a school district that receives money under this part shall not exceed revenues on an annual basis and that the school district maintains a balanced budget.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1981, Act 143, Imd. Eff. Nov. 3, 1981;—Am. 1983, Act 118, Imd. Eff. July 18, 1983;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 2002, Act 181, Imd. Eff. Apr. 23, 2002.

**Popular name:** Act 451

### **380.1361 Bonds; election; ballot; surplusage.**

Sec. 1361. (1) School district elections upon the issuance of bonds shall be held and conducted in accordance with this act and chapter XIV of the Michigan election law, MCL 168.301 to 168.315. Members of the school board shall not serve on a board of election inspectors.

(2) The question shall be submitted by ballot in substantially the following form:

"Shall \_\_\_\_\_,  
(here state the legal name of the school district)  
county/or counties of \_\_\_\_\_ and state of Michigan,  
borrow the sum of not to exceed dollars (\$\_\_\_\_\_)  
and issue its bonds therefor, for the purpose of  
\_\_\_\_\_  
\_\_\_\_\_  
Yes ( )  
No ( ) " .

(3) Anything contained in the ballot not specified in this section shall be considered surplusage and of no legal effect.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

### **380.1362 Bonds; issuance; conditions prescribed by school district board.**

Sec. 1362. (1) The board of a school district that votes to borrow a sum of money may issue the bonds of the district.

(2) The board shall prescribe all of the following:

- (a) The form of the bonds.
- (b) The amount of the bonds, which shall not be less than \$50.00 each.
- (c) The time for payment of the bonds.
- (d) The interest rates on the bonds.
- (e) The manner in which the president and secretary of the board shall execute the bonds.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 68, Imd. Eff. Mar. 15, 2002.

**Popular name:** Act 451

### **380.1363 School districts subject to revised municipal finance act; handling moneys received to discharge indebtedness.**

Sec. 1363. Money raised by taxes or otherwise received by a school district for the purpose of paying and discharging the principal and interest of the indebtedness is subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 69, Imd. Eff. Mar. 15, 2002.

**Popular name:** Act 451

### **380.1364 Tax for payment of principal and interest.**

Sec. 1364. The board of a school district which borrows money shall impose an annual tax on the taxable property in the district for the purpose of paying the principal borrowed, or a part thereof, and the interest thereon, to be levied and collected as other school taxes are levied and collected.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1371 Debt retirement fund; duties of treasurer.**

Sec. 1371. The treasurer of the board of education shall have custody of money, securities, and other evidences of value belonging or pertaining to the debt retirement fund and shall pay out money of the fund, or transfer the securities or evidences of value therein, only upon the order of a majority of the members elected to and serving on the board, and upon a written order of the president and secretary of the board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1372 Debt retirement fund; record of moneys; securities, and transactions; reports.**

Sec. 1372. The treasurer of a board of education shall keep a proper record of the moneys and securities on hand in the debt retirement fund and of the transactions relating thereto. The treasurer shall periodically, and when requested by the board, make a complete report concerning the same. The proper officers of the school district shall make reports concerning the transactions relating to the debt retirement fund as may be required by the state board or other authority in connection with the handling of the funds of the school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

## **PART 18 TUITION PUPILS**

### **380.1401 Admission of nonresident pupils; determination of tuition rates; collection of tuition; limitations on tuition.**

Sec. 1401. (1) The board of a school district may admit nonresident pupils to the schools of the district. The board shall determine the rates of tuition of the nonresident pupils and shall collect the tuition.

(2) Tuition for grades K to 6 shall not exceed 25% more than the operation cost per capita for the number of pupils in membership in grades K to 12.

(3) Tuition for grades 7 to 12 shall not exceed 12-1/2% more than 115% of the operation cost per capita for the number of pupils in membership in grades K to 12.

(4) In a school district not maintaining grades above the eighth grade, the tuition shall not exceed 25% more than the operation cost per capita for the number of pupils in membership in grades K to 8.

(5) The operation costs and membership figures of the preceding fiscal year shall be used. The per capita cost used shall not include moneys expended for school sites, school building construction, equipment, payment of bonds, or other purposes not properly included in operation costs as determined by the state board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1406 High school tuition; payment; expense of transportation; discontinuance of high school; agreement.**

Sec. 1406. (1) The board of a school district which does not maintain grades above the eighth grade shall pay the tuition of a pupil, resident of the district who has completed the eighth grade, to a school district maintaining a high school which is approved for the collection of high school tuition by the state board. The board of a school district which maintains grades above the eighth grade, which are not approved for the collection of tuition by the state board, may pay the tuition of a pupil resident of the district and eligible to attend the unapproved grades, to a school district approved for the grade attended for the collection of tuition by the state board. The board shall pay the expense of daily transportation during school days for pupils attending high school in other districts.

(2) If directed by a majority vote of the school electors, the board of a school district maintaining a legal high school under section 1407 shall discontinue the high school. The board shall pay the tuition and transportation for its high school pupils to other districts, upon agreement with each board of the school districts of attendance.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1407 "High school" defined.**

Sec. 1407. A high school approved for the collection of high school tuition shall be a school district operating grades above the eighth grade having 1 of the following:

(a) Twelve grades with at least 3 teachers devoting their entire teaching time to the work of the seventh to twelfth grades.

(b) Twelve grades with at least 2 teachers devoting their entire teaching time to the work of the ninth to

twelfth grades.

(c) Nine grades with at least 1 teacher devoting the teacher's entire teaching time to the work of the seventh to ninth grades.

(d) Ten grades with at least 1 teacher devoting the teacher's entire teaching time to the work of the ninth and tenth grades, or the eighth to tenth grades.

(e) Eleven grades with at least 2 teachers devoting their teaching time to the work of the ninth to eleventh grades, or the eighth to eleventh grades.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1408 High school tuition; payment; eligibility of pupils.**

Sec. 1408. High school tuition for pupils who have completed 8 grades of work as evidenced by the written statement of the superintendent of the school district in which the pupils reside, or by the written statement of the intermediate superintendent for pupils residing in a district not employing a superintendent, shall be paid by the board of the resident district by agreement with the board of the district of attendance.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1411 Legal high schools and school districts in border states; payment of tuition and transportation; elementary grades; vocational-technical courses; state aid.**

Sec. 1411. (1) In a state bordering on this state, the nearest and the next nearest approved high schools by the nearest traveled road, to the residence of a parent or guardian of a pupil of this state qualified to have tuition paid under section 1406 shall be considered legal high schools to which a school district not maintaining a legal high school is permitted to pay high school tuition and transportation if the high school maintains a school year of at least 9 months. If the eligible pupil desires to attend the high school in a border state, the entire tuition and transportation shall be paid as provided for the paying of the tuition and transportation to high schools in this state. If elementary grades are maintained in connection with the high school in a state bordering on this state, it shall be considered a legal school with which the board of a school district which votes to discontinue elementary grades wholly or in part may pay elementary tuition and transportation.

(2) A school district in a state bordering this state, which maintains a class for special instruction of a vocational-technical education approved by the state board for residents of this state, shall be considered a legal school district with which the board of a school district which does not maintain the specialized instruction may contract to enroll resident pupils. The board shall pay for tuition and transportation of resident students as approved by the state board. While in attendance at an approved vocational-technical course the pupils may be counted in the resident district's membership for state aid under school district child accounting rules of this state.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1415 Use of general funds or state school aid for payment of tuition and transportation.**

Sec. 1415. (1) The board of a school district may use general funds or funds received from state school aid for the purpose of paying tuition and transportation to another school district or districts of resident pupils, even though the grades in which the pupils may be enrolled are maintained within the district.

(2) The board of a school district may use general funds or state school aid for the purpose of paying tuition and transportation to another school district or districts of pupils in cases where the pupils live nearer established bus lines of another district or nearer by the nearest travelled road to the school in another district than to the school in their own district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1416 Crediting school taxes on tuition and transportation.**

Sec. 1416. If nonresident pupils, their parents, or guardians pay school taxes in a school district and the pupils are admitted to schools in the district, the amount of the total current school taxes shall be credited on the pupils' tuition and transportation in a sum not to exceed the amount of the tuition and transportation. The pupils, their parents, or guardians shall be required to pay tuition and transportation only for the difference therein.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

## PART 19 TEXTBOOKS

### **380.1421 “Textbook” defined.**

Sec. 1421. As used in this part, “textbook” means a book which is selected and approved by the board of a school district and which contains a presentation of principles of a subject, or which is a literary work relevant to the study of a subject required for the use of classroom pupils.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1422 Selection, approval, purchase, and use of textbooks; textbooks as property of school district; loaning textbooks to pupils; deposit.**

Sec. 1422. (1) The board of each school district shall select, approve, and purchase the textbooks to be used by the pupils of the schools on the subjects taught in the district.

(2) The textbooks shall be the property of the school district purchasing them and shall be loaned to pupils without charge. A board may require a reasonable and refundable deposit on textbooks.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1431 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to purchase of textbooks.

**Popular name:** Act 451

### **380.1432-380.1436 Repealed. 1990, Act 258, Imd. Eff. Oct. 15, 1990.**

**Compiler's note:** The repealed sections pertained to contracts and bonds.

**Popular name:** Act 451

### **380.1437 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to sale of textbooks by unlawful inducement.

**Popular name:** Act 451

## PART 20 LIBRARIES

### **380.1451 Public library; establishment; tax for support and maintenance; levy and collection; rate of tax authorized or voted; election.**

Sec. 1451. (1) A school district, by a majority vote of the school electors at a regular or special school election, may establish a public library.

(2) The school electors of a school district in which a library is established may vote a district tax for the support of the public library at a regular or special school election of the district. The board of the school district may vote a tax for the maintenance and support of the public library.

(3) A tax authorized or voted under this part shall be levied and collected in the same manner as other school district taxes are levied and collected.

(4) The millage allowed under this section may be levied without a vote of the school electors of the school district until the millage authorization expires. The rate of a tax authorized or voted under this section shall not exceed the number of mills levied by the school district under this section in 1993 that were not included in the operating millage reported by the school district to the department as of April 1, 1993 or the number of mills levied by the school district under this section in 1993 that the school district does not want considered as operating millage reported by the school district as of April 1, 1994, whichever is greater.

(5) The board of a school district shall not hold an election to levy mills under this section after December 31, 1993.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

### **380.1451a Repealed. 1994, Act 258, Imd. Eff. July 5, 1994.**

**Compiler's note:** The repealed section pertained to millage renewal or additional millage for operation of library.

Rendered Friday, January 14, 2011

Page 132 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

**Popular name:** Act 451

**380.1452 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to libraries.

**Popular name:** Act 451

**380.1456 Repealed. 1977, Act 43, Imd. Eff. June 29, 1977.**

**Compiler's note:** The repealed section pertained to donation or sale of library books.

**Popular name:** Act 451

PART 20A

COLLEGE LEVEL EQUIVALENT COURSES AND CREDIT

**380.1471 Definitions.**

Sec. 1471. As used in this part:

(a) "College level equivalent course" means a course offered in high school, for which a pupil receives high school credit, that is taught at a postsecondary instruction level and is designed to prepare a pupil for a college level equivalent credit examination in a particular subject area.

(b) "College level equivalent credit examination" means an examination that is administered by an independent testing service and that is used by colleges and universities generally to award postsecondary credit for achievement of a particular score.

**History:** Add. 1996, Act 159, Eff. July 1, 1996.

**Popular name:** Act 451

**380.1472 College level equivalent courses; information to be provided; records to be included in pupil portfolios.**

Sec. 1472. (1) The board of a school district or public school academy shall ensure that, as part of the process of planning the pupil's schedule for an upcoming school year, each pupil in grade 8 or higher is provided with general information about college level equivalent courses and with specific information about appropriate college level equivalent courses available for the pupil.

(2) If a school district or public school academy maintains pupil portfolios for high school pupils, each pupil's portfolio shall include, in addition to the other records in the portfolio, all academic records and correspondence relating to the pupil's participation in a college level equivalent course or enrollment in a postsecondary course under the postsecondary enrollment options act.

**History:** Add. 1996, Act 159, Eff. July 1, 1996.

**Popular name:** Act 451

**380.1473 Manner of providing courses.**

Sec. 1473. (1) The board of a school district, board of directors of a public school academy, or governing board of a nonpublic school shall consider providing college level equivalent courses either directly, through an intermediate district program, or by agreement in a consortium or cooperative program.

(2) If a public school pupil successfully completes a college level equivalent course that is offered by electronic means, including, but not limited to, the internet, digital broadcast, or satellite network, and is offered by a school district, a regionally accredited college or university, or the Michigan virtual high school described in section 1481, and if the pupil has been sponsored in this process by a certificated teacher employed by the pupil's school district or public school academy, the school district or public school academy in which the pupil is enrolled shall do all of the following:

(a) Grant appropriate high school credit for completion of the course.

(b) Count that credit toward the graduation and subject area requirements of the school district or public school academy.

**History:** Add. 1996, Act 159, Eff. July 1, 1996;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

**Popular name:** Act 451

**380.1474 College level equivalent course directory.**

Sec. 1474. (1) The state board annually shall publish and distribute to school districts and public school academies, and upon request to nonpublic high schools, a college level equivalent course directory. Subject to subsection (2), the college level equivalent course directory shall list postsecondary institutions in the state that grant college level equivalent credit and, for each of those postsecondary institutions, shall describe the institution's college level equivalent credit policy and detail the specific courses and number of credits for

Rendered Friday, January 14, 2011

Page 133 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010



which college level equivalent credit may be granted and the college level equivalent credit examination that must be completed and the score that must be achieved to qualify for college level equivalent credit for each of the courses.

(2) The state board shall not include information about a particular postsecondary institution in the college level equivalent course directory unless the chief academic officer of the institution, or his or her designee, reviews the information before publication and verifies in writing that it is accurate.

**History:** Add. 1996, Act 159, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1475 Federal tribally controlled community college board; requirements for participation in certain activities.**

Sec. 1475. A federal tribally controlled community college board may provide college level courses or participate in other activities under this act only if all of the following are in effect:

(a) The members of the board of the federal tribally controlled community college execute the constitutional oath of office as a public officer of the state of Michigan.

(b) The members of the board of the federal tribally controlled community college certify to the state department of education that the members will act as a public educational body or officer of this state subject only to the constitution and laws of this state in exercising the powers or carrying out the functions and that their functions are under the exclusive control of the state.

(c) A member of the board of the federal tribally controlled community college acting as a public officer under this section shall be subject to removal or suspension by the superintendent of public instruction for violating the provisions of this section.

(d) This section does not authorize the use of any funds appropriated for a community college district established under the community college act, 1966 PA 331, MCL 389.11 to 389.84.

**History:** Add. 2000, Act 231, Imd. Eff. June 27, 2000.

**Popular name:** Act 451

## **PART 20B**

### **MICHIGAN VIRTUAL HIGH SCHOOL**

### **380.1481 Michigan virtual university; goals; course offerings; duties; participation; funding; technical assistance.**

Sec. 1481. (1) Not later than the beginning of the 2000-2001 school year, the Michigan virtual university shall develop, implement, and operate the Michigan virtual high school, as described in this section.

(2) The Michigan virtual high school shall have the following goals:

(a) Significantly expand curricular offerings for high schools across this state through agreements with school districts or licenses from other recognized providers.

(b) Create a statewide instructional model using interactive multimedia tools delivered by electronic means, including, but not limited to, the internet, digital broadcast, or satellite network, for distributed learning at the high school level.

(c) Provide pupils with opportunities to develop skills and competencies through on-line learning.

(d) Offer high school teachers opportunities to learn new skills and strategies for developing and delivering instructional services.

(e) Accelerate this state's ability to respond to current and emerging educational demands.

(f) Grant high school diplomas through a dual enrollment method with school districts.

(g) Act as a broker for college level equivalent courses, as defined in section 1471, and dual enrollment courses from postsecondary education institutions.

(3) The Michigan virtual high school course offerings shall include, but are not limited to, all of the following:

(a) Information technology courses.

(b) College level equivalent courses, as defined in section 1471.

(c) Courses and dual enrollment opportunities.

(d) At-risk programs and services.

(e) General education development test preparation courses for adjudicated youth.

(f) Special interest courses.

(g) Professional development programs and services for teachers.

(4) In addition to its other duties under this section, the Michigan virtual university shall work with the department and other appropriate state agencies to explore the development and delivery of a full curriculum

for migrant pupils that would be available through distance learning. The Michigan virtual university and the department shall submit a joint report on their findings under this subsection to the legislature not later than 1 year after the effective date of this section.

(5) Nonpublic school students and home-schooled children may participate in course offerings of the Michigan virtual high school to the same extent they are allowed to participate in school district course offerings under this act and the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

(6) The Michigan virtual university shall fund the Michigan virtual high school from appropriations made for this purpose and may also use funds received from other sources. The department shall provide technical assistance as requested by the Michigan virtual university for the purposes of this section.

**History:** Add. 2000, Act 230, Imd. Eff. June 27, 2000.

**Popular name:** Act 451

## PART 21 HEALTH AND PHYSICAL EDUCATION

### **380.1501 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to definition of sex education.

**Popular name:** Act 451

### **380.1502 Health and physical education; establishment; course in physical education required; extracurricular athletics as meeting requirement.**

Sec. 1502. (1) Health and physical education for pupils of both sexes shall be established and provided in all public schools of this state. Subject to subsection (2), each pupil attending public school in this state who is physically fit and capable of doing so shall take the course in physical education.

(2) A school district may credit a pupil's participation in extracurricular athletics or other extracurricular activities involving physical activity as meeting the physical education requirement for the pupil under subsection (1).

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

**Popular name:** Act 451

### **380.1503 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to health and physical education.

**Popular name:** Act 451

### **380.1504 Compulsory physical examination or medical treatment not authorized.**

Sec. 1504. This act shall not be construed to authorize compulsory physical examination or compulsory medical treatment of pupils.

**History:** Add. 1996, Act 287, Imd. Eff. June 17, 1996.

**Popular name:** Act 451

### **380.1506 Program of instruction in reproductive health; supervision; request to excuse pupil from attendance; "reproductive health" defined.**

Sec. 1506. (1) A program of instruction in reproductive health shall be supervised by a registered physician, a registered nurse, or other person certified by the state board as qualified. Upon the written request of a pupil or the pupil's parent or guardian, a pupil shall be excused, without penalty or loss of academic credit, from attending classes in which the subject of reproductive health is under discussion.

(2) As used in subsection (1) and sections 1507 and 1508, "reproductive health" means that state of an individual's well-being which involves the reproductive system and its physiological, psychological, and endocrinological functions.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977.

**Popular name:** Act 451

### **380.1507 Instruction in sex education; instructors, facilities, and equipment; stressing abstinence from sex; elective class; notice to parent or guardian; request to excuse pupil from attendance; qualifications of teacher; sex education advisory board; public hearing; distribution of family planning drug or device prohibited; "family planning," "class," and "course" defined.**

Sec. 1507. (1) The board of a school district may engage qualified instructors and provide facilities and

equipment for instruction in sex education, including family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. Instruction may also include the subjects of reproductive health and the recognition, prevention, and treatment of sexually transmitted disease. Subject to subsection (7) and section 1507b, the instruction described in this subsection shall stress that abstinence from sex is a responsible and effective method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease and is a positive lifestyle for unmarried young people.

(2) The class described in subsection (1) shall be elective and not a requirement for graduation.

(3) A pupil shall not be enrolled in a class in which the subjects of family planning or reproductive health are discussed unless the pupil's parent or guardian is notified in advance of the course and the content of the course, is given a prior opportunity to review the materials to be used in the course and is notified in advance of his or her right to have the pupil excused from the class. The state board shall determine the form and content of the notice required in this subsection.

(4) Upon the written request of a pupil or the pupil's parent or legal guardian, a pupil shall be excused, without penalty or loss of academic credit, from attending a class described in subsection (1).

(5) A school district that provides a class as permitted by subsection (1) shall offer the instruction by teachers qualified to teach health education. A school district shall not offer this instruction unless a sex education advisory board is established by the board of the school district. The board of a school district shall determine terms of service for the sex education advisory board, the number of members to serve on the advisory board, and a membership selection process that reasonably reflects the school district population, and shall appoint 2 co-chairs for the advisory board, at least 1 of whom is a parent of a child attending a school operated by the school district. At least 1/2 of the members of the sex education advisory board shall be parents who have a child attending a school operated by the school district, and a majority of these parent members shall be individuals who are not employed by a school district. The board of a school district shall include pupils of the school district, educators, local clergy, and community health professionals on the sex education advisory board. Written or electronic notice of a sex education advisory board meeting shall be sent to each member at least 2 weeks before the date of the meeting. The advisory board shall do all of the following:

(a) Establish program goals and objectives for pupil knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases. This subdivision does not prohibit a school district from establishing additional program goals and objectives that are not contrary to this section, section 1169, or section 1507b.

(b) Review the materials and methods of instruction used and make recommendations to the board of the school district for implementation. The advisory board shall take into consideration the school district's needs, demographics, and trends, including, but not limited to, teenage pregnancy rates, sexually transmitted disease rates, and incidents of student sexual violence and harassment.

(c) At least once every 2 years, evaluate, measure, and report the attainment of program goals and objectives established under subdivision (a). The board of a school district shall make the resulting report available to parents in the school district.

(6) Before adopting any revisions in the materials or methods used in instruction under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease, the board of a school district shall hold at least 2 public hearings on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1169.

(7) A person shall not dispense or otherwise distribute in a public school or on public school property a family planning drug or device.

(8) As used in this section, "family planning" means the use of a range of methods of fertility regulation to help individuals or couples avoid unplanned pregnancies; bring about wanted births; regulate the intervals between pregnancies; and plan the time at which births occur in relation to the age of parents. It may include the study of fetology. It may include marital and genetic information. Clinical abortion shall not be considered a method of family planning, nor shall abortion be taught as a method of reproductive health.

(9) As used in this section and sections 1506 and 1507a:

(a) "Class" means an instructional period of limited duration within a course of instruction and includes an assembly or small group presentation.

(b) "Course" means a series of classes linked by a common subject matter.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977;—Am. 1981, Act 87, Imd. Eff. July

2, 1981;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 2004, Act 165, Imd. Eff. June 24, 2004.

**Popular name:** Act 451

### **380.1507a Notice of excuse from class; enrollment.**

Sec. 1507a. If a parent or legal guardian of a pupil files with the public school in which the pupil is enrolled a continuing written notice that the pupil is to be excused from a class described in section 1507, the pupil shall not be enrolled in a class described in section 1507 unless the parent or legal guardian submits a written authorization for that enrollment.

**History:** Add. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1507b Sex education and instruction; curriculum requirements.**

Sec. 1507b. (1) Instruction under section 1507 in sex education and instruction under section 1169 on human immunodeficiency virus infection and acquired immunodeficiency syndrome shall emphasize that abstinence from sex is a positive lifestyle for unmarried young people because abstinence is the only protection that is 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.

(2) Material and instruction in the sex education curriculum under section 1507 that discusses sex shall be age-appropriate, shall not be medically inaccurate, and shall do at least all of the following:

(a) Discuss the benefits of abstaining from sex until marriage and the benefits of ceasing sex if a pupil is sexually active.

(b) Include a discussion of the possible emotional, economic, and legal consequences of sex.

(c) Stress that unplanned pregnancy and sexually transmitted diseases are serious possibilities of sex that are not fully preventable except by abstinence.

(d) Advise pupils of the laws pertaining to their responsibility as parents to children born in and out of wedlock.

(e) Ensure that pupils are not taught in a way that condones the violation of the laws of this state pertaining to sexual activity, including, but not limited to, sections 158, 335a, 338, 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and 750.520b to 750.520e.

(f) Teach pupils how to say “no” to sexual advances and that it is wrong to take advantage of, harass, or exploit another person sexually.

(g) Teach refusal skills and encourage pupils to resist pressure to engage in risky behavior.

(h) Teach that the pupil has the power to control personal behavior. Pupils shall be taught to base their actions on reasoning, self-discipline, a sense of responsibility, self-control, and ethical considerations such as respect for self and others.

(i) Provide instruction on healthy dating relationships and on how to set limits and recognize a dangerous environment.

(j) Provide information for pupils about how young parents can learn more about adoption services and about the provisions of the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20.

(k) Include information clearly informing pupils that having sex or sexual contact with an individual under the age of 16 is a crime punishable by imprisonment and that 1 of the other results of being convicted of this crime is to be listed on the sex offender registry on the internet for up to 25 years.

(3) This section does not prohibit a public school from offering sex education with behavioral risk reduction strategies, as defined by law, that are not 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.

**History:** Add. 2004, Act 165, Imd. Eff. June 24, 2004.

**Popular name:** Act 451

### **380.1508-380.1522 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to duties of state board, recreation and playground facilities, community swimming pools, and athletic events.

**Popular name:** Act 451

## **PART 21A PROFESSIONAL DEVELOPMENT**

**380.1525 Funds to support professional development and education; use; approval of annual plan; disapproval of funding.**

Sec. 1525. (1) State and federal funds appropriated by the legislature to support professional development and education may be used for the following:

(a) Professional development programs for administrators and teachers. These programs shall emphasize the improvement of teaching and pupils' learning of academic core curriculum objectives, as measured by Michigan educational assessment program, the Michigan merit examination, and other criterion - reference assessments; collaborative decision-making; site-based management; the process of school improvement; instructional leadership; and the use of data and assessment instruments to improve teaching and learning for all pupils.

(b) A biennial education policy leadership institute. The state board shall organize and convene a biennial education policy leadership institute for the governor, the lieutenant governor, the state board, the state superintendent, the legislature, and the presidents of the state board approved teacher education institutions, and the staff of each as may be considered appropriate, to examine the most current public education policy issues and initiatives and the appropriate role of policy leaders.

(c) A statewide academy for school leadership established by the state board.

(d) A principal leadership academy. The department, in collaboration with statewide associations of school principals, shall establish the principal leadership academy. The principal leadership academy shall consist of training for school principals that is conducted by other school principals who have a record of demonstrated success in improving pupil performance. The department shall solicit input from school district superintendents and intermediate superintendents to compile a list of successful school principals who would likely be effective in conducting the training at the principal leadership academy and shall select school principals to conduct the training from this list. The training shall include all aspects of successful school leadership, including at least all of the following:

(i) Strategies for increasing parental involvement.

(ii) Strategies for engaging community support and involvement.

(iii) Creative problem-solving.

(iv) Financial decision-making.

(v) Management rights and techniques.

(vi) Other strategies for improving school leadership to achieve better pupil performance.

(e) Community leadership development. The state board, in conjunction with intermediate school districts, shall conduct a leadership development training program in each school district for members of the community.

(f) Promotion of high educational standards. The state board, in collaboration with the business community and educators, shall coordinate and assist in the promotion of a statewide public education and information program concerning the need to achieve world class educational standards in the public schools of this state.

(g) Sabbatical leaves. School districts shall provide sabbatical leaves for up to 1 academic year for selected master teachers who aid in professional development.

(h) Any other purpose authorized in the appropriation for professional development in the state school aid act of 1979.

(2) In order to receive professional development funding described in subsection (1), each school district and intermediate school district shall prepare and submit to the state board for approval an annual professional development plan.

(3) The state board may disapprove for state funding proposed professional development that the state board finds to be 1 or more of the following:

(a) Not in furtherance of core academic curriculum needs.

(b) Not constituting serious, informed innovation.

(c) Of generally inferior overall quality or depth regardless of who sponsors or conducts the education or training.

(d) Not in compliance with the requirements of section 1526.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 202, Imd. Eff. Nov. 14, 2003;—Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005.

**Popular name:** Act 451

**380.1526 Teacher in first 3 years of employment; assignment to master teacher; intensive professional development induction.**

Sec. 1526. For the first 3 years of his or her employment in classroom teaching, a teacher shall be assigned



by the school in which he or she teaches to 1 or more master teachers, or college professors or retired master teachers, who shall act as a mentor or mentors to the teacher. During the 3-year period, the teacher shall also receive intensive professional development induction into teaching, based on a professional development plan that is consistent with the requirements of section 3a of article II of Act No. 4 of the Public Acts of the Extra Session of 1937, being section 38.83a of the Michigan Compiled Laws, including classroom management and instructional delivery. During the 3-year period, the intensive professional development induction into teaching shall consist of at least 15 days of professional development, the experiencing of effective practices in university-linked professional development schools, and regional seminars conducted by master teachers and other mentors.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1526a Training to be included in professional development.**

Sec. 1526a. Training in teaching 1 or more college level equivalent courses may be included in the professional development plan, and in the required 15 days of professional development, under section 1526.

**History:** Add. 1996, Act 159, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1527 Teacher professional development; number of days.**

Sec. 1527. The board of each school district, intermediate school district, or public school academy shall provide at least 1 day of teacher professional development in the 1997-1998 school year, at least 2 days of teacher professional development in the 1998-1999 school year, at least 3 days of teacher professional development in the 1999-2000 school year, at least 4 days of teacher professional development in the 2000-2001 school year, and at least 5 days of teacher professional development in the 2001-2002 school year and each school year after the 2001-2002 school year. Professional development days provided under this section shall not be counted toward the professional development required under section 1526.

**History:** Add. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

## **PART 22**

### **SCHOOL PERSONNEL CERTIFICATES AND PERMITS**

### **380.1531 Requirements for issuing licenses and certificates for teachers and endorsements as qualified counselors and teachers of foreign languages in elementary grades; development, selection, and use of basic skills examination, subject area examination, and elementary certification examination; reading credit requirements; teaching certificate from another state; definitions; rules; issuing continuing education certificate.**

Sec. 1531. (1) Except as provided in this act, the superintendent of public instruction shall determine the requirements for and issue all licenses and certificates for teachers, including preprimary teachers, and the requirements for an endorsement of teachers as qualified counselors and an endorsement of teachers for teaching a foreign language in an elementary grade in the public schools of the state.

(2) Except as otherwise provided in this act, the superintendent of public instruction shall only issue a teaching certificate to a person who has passed appropriate examinations as follows:

(a) For a secondary level teaching certificate, has passed both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified.

(b) For an elementary level teaching certificate, has passed the basic skills examination and, if it is available, the elementary certification examination, and has passed the appropriate available subject area examination for each subject area, if any, in which he or she applies to be certified.

(3) Except as otherwise provided in this act, the superintendent of public instruction shall issue a Michigan teaching certificate to a person holding a certificate from another state or a teaching degree from an out-of-state teacher preparation institution who applies for a Michigan teaching certificate only if the person passes appropriate examinations as follows:

(a) For a secondary level teaching certificate, pass both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified. The superintendent of public instruction may accept passage of an equivalent examination approved by the superintendent of public instruction to meet 1 or both of these requirements.

(b) For an elementary level teaching certificate, pass the basic skills examination and, if it is available, the elementary certification examination, and pass the appropriate available subject area examination for each

subject area, if any, in which he or she applies to be certified. The superintendent of public instruction may accept passage of an equivalent examination approved by the superintendent of public instruction to meet 1 or more of these requirements.

(4) Except as otherwise provided in this act, the superintendent of public instruction shall only issue a teaching certificate to a person who has met the elementary or secondary, as applicable, reading credit requirements established under superintendent of public instruction rule. If a person holds a teaching certificate, then beginning July 1, 2009, notwithstanding any rule to the contrary, the superintendent of public instruction shall not advance the person's certification to professional certification unless the person has successfully completed at least a 3-credit course of study with appropriate field experiences in the diagnosis and remediation of reading disabilities and differentiated instruction. To meet this requirement, the course of study should include the following elements, as determined by the department to be appropriate for the person's certification level and endorsements: interest inventories, English language learning screening, visual and auditory discrimination tools, language expression and processing screening, phonemics, phonics, vocabulary, fluency, comprehension, spelling and writing assessment tools, and instructional strategies. A person may complete the course of study either as part of his or her teacher preparation program or during the first 6 years of his or her employment in classroom teaching.

(5) Not later than January 11, 2002, the superintendent of public instruction, in cooperation with appropriate curriculum specialists and teacher educators, shall revise existing reading standards to recognize reading disorders and to enable teachers to make referrals for instruction and support for pupils with reading disorders.

(6) Subject to subsection (8), if a person holding a teaching certificate from another state applies to the superintendent of public instruction for a Michigan teaching certificate and meets the requirements of this subsection, the superintendent of public instruction shall issue to the person a Michigan professional education teaching certificate and applicable endorsements comparable to those the person holds in the other state, without requiring the person to pass a basic skills examination or the applicable subject area examination otherwise required under subsection (2) or (3). To be eligible to receive a Michigan professional education teaching certificate under this subsection, a person shall provide evidence satisfactory to the department that he or she meets all of the following requirements:

(a) Has taught successfully for at least 3 years in a position for which the person's teaching certification from the other state was valid.

(b) Has earned, after his or her initial certification in another state, at least 18 semester credit hours in a planned course of study at an institution of higher education approved by the superintendent of public instruction or has earned, at any time, a master's or doctoral degree approved by the superintendent of public instruction.

(c) Has met the elementary or secondary, as applicable, reading credit requirement established under superintendent of public instruction rule.

(7) A person who receives a teaching certificate and endorsement or endorsements under subsection (6) is eligible to receive 1 or more additional endorsements comparable to endorsements the person holds in another state only if the person passes the appropriate subject area examinations required under subsection (2) or (3).

(8) The superintendent of public instruction shall deny a Michigan teaching certificate to a person described in subsection (6) for fraud, material misrepresentation, or concealment in the person's application for a certificate or for a conviction for which a person's teaching certificate may be revoked under section 1535a.

(9) The department, based upon criteria recommended pursuant to subsection (11), shall provide to approved teacher education institutions guidelines and criteria approved by the superintendent of public instruction for use in the development or selection of a basic skills examination and approved guidelines and criteria for use in the development or selection of subject area examinations.

(10) For the purposes of this section, the superintendent of public instruction, based upon criteria recommended pursuant to subsection (11), shall develop, select, or develop and select 1 or more basic skills examinations and subject area examinations. In addition, the superintendent of public instruction, based upon criteria recommended pursuant to subsection (11), shall approve an elementary certification examination and a reading subject area examination.

(11) The superintendent of public instruction shall appoint an 11-member teacher examination advisory committee comprised of representatives of approved teacher education institutions and Michigan education organizations and associations. Not more than 1/2 of the members comprising this committee shall be certified teachers. This committee shall recommend criteria to be used by the superintendent of public instruction in the development, selection, or development and selection of 1 or more basic skills examinations, and criteria to be used by the superintendent of public instruction in the development, selection,

or development and selection of subject area examinations. In addition, the committee shall recommend guidelines for the use and administration of those examinations. The basic skills examinations referred to in this subsection may be developed by the superintendent of public instruction or selected by the superintendent of public instruction from commercially or university developed examinations. In addition, an approved teacher education institution, pursuant to guidelines and criteria described in subsection (9), may develop an examination at its own expense for approval by the superintendent of public instruction. An approved teacher education institution that develops its own examination is liable for any litigation that results from the use of its examination.

(12) The superintendent of public instruction shall appoint a 7-member standing technical advisory council comprised of persons who are experts in measurement and assessment. This council shall advise the superintendent of public instruction and the teacher examination committee on the validity, reliability, and other technical standards of the examinations that will be used or are being used and of the administration and use of those examinations.

(13) Not later than November 30 of each year, the superintendent of public instruction shall submit in writing a report on the development or selection and use of the basic skills examination, the elementary certification examination, and the subject area examinations to the house and senate education committees. The report shall also contain a financial statement regarding revenue received from the assessment of fees levied pursuant to subsection (15) and the amount of and any purposes for which that revenue was expended.

(14) The basic skills examination, the elementary certification examination, and the subject area examinations required by this section may be taken at different times during an approved teacher preparation program, but the basic skills examination must be passed before a person is enrolled for student teaching and the elementary certification examination and the subject area examinations, as applicable, must be passed before a person is recommended for certification.

(15) The department, or if approved by the superintendent of public instruction, a private testing service, may assess fees for taking the basic skills examination, elementary certification examination, and the subject area examinations. The fees, which shall be set by the superintendent of public instruction, shall not exceed \$50.00 for a basic skills examination or \$75.00 for an elementary certification examination or a subject area examination. However, if a subject area examination for vocational education includes a performance examination, an additional fee may be assessed for taking the performance examination, not to exceed the actual cost of administering the performance examination. Fees received by the department shall be expended solely for administrative expenses that it incurs in implementing this section.

(16) If a person holding a teaching certificate from another state applies for a Michigan teaching certificate and meets all requirements for the Michigan teaching certificate except passage of the appropriate examinations under subsection (3), the superintendent of public instruction shall issue a nonrenewable temporary teaching certificate, good for 1 year, to the person. The superintendent of public instruction shall not issue a Michigan teaching certificate to the person after expiration of the temporary teaching certificate unless the person passes appropriate examinations as described in subsection (3).

(17) As used in this section:

(a) "Basic skills examination" means an examination developed or selected by the superintendent of public instruction or developed pursuant to subsection (11) by an approved teacher education institution for the purpose of demonstrating the applicant's knowledge and understanding of basic language and mathematical skills and other skills necessary for the certificate sought, and for determining whether or not an applicant is eligible for a provisional Michigan teaching certificate.

(b) "Elementary certification examination" means a comprehensive examination for elementary certification that has been developed or selected by the superintendent of public instruction for demonstrating the applicant's knowledge and understanding of the core subjects normally taught in elementary classrooms and for determining whether or not an applicant is eligible for an elementary level teaching certificate.

(c) "Subject area examination" means an examination related to a specific area of certification, which examination has been developed or selected by the superintendent of public instruction for the purpose of demonstrating the applicant's knowledge and understanding of the subject matter and determining whether or not an applicant is eligible for a Michigan teaching certificate.

(18) The superintendent of public instruction shall promulgate rules for the implementation of this section.

(19) Notwithstanding any rule to the contrary, the superintendent of public instruction shall continue to issue state elementary or secondary continuing education certificates pursuant to R 390.1132(1) of the Michigan administrative code to persons who completed the requirements of that rule by December 31, 1992 and who apply for that certificate not later than March 15, 1994. If the superintendent of public instruction has issued a state elementary or secondary professional education certificate to a person described in this section, the superintendent of public instruction shall consider the person to have a state elementary or secondary, as

applicable, continuing education certificate.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977;—Am. 1978, Act 613, Imd. Eff. Jan. 6, 1979;—Am. 1986, Act 267, Imd. Eff. Dec. 19, 1986;—Am. 1992, Act 282, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 497, Imd. Eff. Jan. 11, 2001;—Am. 2006, Act 118, Imd. Eff. Apr. 14, 2006;—Am. 2007, Act 32, Imd. Eff. July 2, 2007.

**Popular name:** Act 451

### **380.1531a Positions requiring valid teaching certificate.**

Sec. 1531a. Beginning July 1, 1990, a person who is employed by the department of education, the department of mental health, the department of social services, or the department of corrections in a position the state board determines to be equivalent to a position with a school district or intermediate school district as a superintendent, principal, assistant principal, other person whose primary responsibility is administering instructional programs, or chief business official shall possess a valid teaching certificate.

**History:** Add. 1990, Act 161, Imd. Eff. July 2, 1990.

**Popular name:** Act 451

### **380.1531b Student teaching; teacher preparation program.**

Sec. 1531b. Beginning July 1, 1995, before an individual may engage in student teaching in a school in this state, the individual or the college or university in which the individual is or was enrolled for teacher preparation shall demonstrate to the satisfaction of the school or school district that the teacher preparation program requires of individuals who student teach at least all of the following:

- (a) High academic achievement.
- (b) Demonstration of successful group work with children as a condition for admission to the teacher preparation curriculum.
- (c) Knowledge of research-based teaching.
- (d) Working knowledge of modern technology and use of computers.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

**Popular name:** Act 451

### **380.1531c Fast-track teacher preparation program.**

Sec. 1531c. The state board shall develop and approve, and advocate to state universities that they adopt, an expedited “fast-track” teacher preparation program to be available to individuals who have outstanding academic credentials, who are exceptionally gifted performers or artists, or who are outstanding professionals expert in their fields of endeavor.

**History:** Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

**Popular name:** Act 451

### **380.1531d First aid and cardiopulmonary resuscitation; requirements for teacher certification.**

Sec. 1531d. (1) Beginning July 1, 2004, the superintendent of public instruction shall not issue an initial teaching certificate to a person unless the person presents evidence satisfactory to the superintendent of public instruction that the person meets 1 of the following:

(a) Has successfully completed a course approved by the department in first aid and cardiopulmonary resuscitation, including a test demonstration on a mannequin, and has successfully completed instruction approved by the department in foreign body airway obstruction management, and holds valid certification in these topics issued by the American red cross, American heart association, or a comparable organization or institution approved by the department.

(b) Has physical limitations that make it impracticable for the person to complete the instruction and obtain the required certification under subdivision (a).

(2) A person who meets the requirements described in subsection (1)(a) and who performs first aid, cardiopulmonary resuscitation, or foreign body airway obstruction management on another person in the course of his or her employment as a teacher is not liable in a civil action for damages resulting from an act or omission occurring in that performance except an act or omission constituting gross negligence or willful and wanton misconduct.

(3) This section does not create a duty to act on the part of a person who holds the certification described in subsection (1)(a).

**History:** Add. 2003, Act 18, Imd. Eff. June 10, 2003.

**Popular name:** Act 451

### **380.1531e Professional education certificate.**

Sec. 1531e. (1) Notwithstanding any other provision of this act or a rule to the contrary, if a person earns a provisional teaching certificate and that certificate lapses before the person completes the requirements for a professional education certificate, and if a school district or public school academy applies to the department on that person's behalf for another provisional teaching certificate within 10 years after the person's initial provisional teaching certificate lapsed, the department shall issue a new provisional teaching certificate to the person. This new provisional teaching certificate shall be valid for 2 years and may not be renewed. The person shall have this 2-year period to complete the requirements for a professional education certificate, and the department shall credit toward the requirements for a professional education certificate any continuing education or other requirements completed while the person's initial teaching certificate was valid.

(2) This section applies to a person described in subsection (1) regardless of whether the person's provisional teaching certificate lapsed before or after the effective date of this section.

(3) This section does not apply to a person convicted of a crime described in section 1535a.

**History:** Add. 2000, Act 230, Imd. Eff. June 27, 2000.

**Popular name:** Act 451

### **380.1531f Teaching of Native American tribal language and culture class; use of teachers not possessing valid Michigan teaching certificate; memorandum of understanding; credit toward completion of language requirements.**

Sec. 1531f. (1) The department may enter into a memorandum of understanding with a federally recognized Native American tribe, the board of a school district, or the board of directors of a public school academy that authorizes the superintendent of public instruction to issue a 3-year letter of approval or continuing approval to allow the Native American tribe, school district, or public school academy to use teachers who do not possess a valid Michigan teaching certificate to teach a Native American tribal language and culture class. A memorandum of understanding entered into under this section shall require that a noncertificated teacher has demonstrated mastery of the tribal language either through a credential issued by a federally recognized Native American tribe or another means considered suitable by the department. The memorandum of agreement shall include requirements for renewal or continuing approval of the noncertificated teacher as established by the Native American tribe, the board of the school district, or the board of directors of the public school academy in collaboration with the department.

(2) Credits earned by a pupil in a Native American tribal language taught by a noncertificated teacher pursuant to this section may be applied by the Native American tribe, school district, or public school academy for any purpose to the same extent as if taught by a certificated teacher, including, but not limited to, credit toward completion of the credit requirements under section 1278a concerning a language other than English.

**History:** Add. 2010, Act 168, Imd. Eff. Sept. 30, 2010.

**Popular name:** Act 451

### **380.1531g Michigan secondary level teaching certificate; certification to teach grade 6.**

Sec. 1531g. Notwithstanding any rule to the contrary, if an individual holds a valid Michigan secondary level teaching certificate, the individual is certified to teach grade 6 in the subject areas in which he or she has endorsements on the teaching certificate.

**History:** Add. 2006, Act 334, Imd. Eff. Aug. 15, 2006.

**Compiler's note:** Act 451

### **380.1531h Teacher certification database system; establishment; implementation; funding.**

Sec. 1531h. (1) Not later than July 1, 2010, the department shall establish and implement a teacher certification database system that provides for at least all of the following:

- (a) The ability for teachers to renew a professional teaching certificate online.
- (b) Online credit card payment capability, to result in processing of teaching certificate applications and issuance of teaching certificates within 48 to 72 hours for in-state applicants and within 3 weeks for out-of-state applicants who have provided a complete application, as determined by the department.
- (c) A central registry that documents each teacher's professional development activities and completion of state board continuing education units.
- (d) Improved compatibility with the registry of educational personnel data reporting system.
- (e) Improved efficiency of the teacher preparation institution web-based teacher certification recommendation process.



(f) Improved capacity to generate reports about the number of certificates and endorsements issued.

(g) Improved quality control through customization of the system.

(2) The department shall fund the system required under subsection (1) from the fee increases in section 1538 that result from the amendatory act that added this section.

**History:** Add. 2007, Act 144, Imd. Eff. Nov. 19, 2007.

**Popular name:** Act 451

### **380.1531i Interim teaching certificate.**

Sec. 1531i. (1) The superintendent of public instruction shall establish a process for a person to earn an interim teaching certificate under this section that qualifies the person to teach in the public schools and to earn a Michigan teaching certificate using the process under this section. The process shall meet all applicable requirements for an alternative teaching certification process under the no child left behind act of 2001, Public Law 107-110. The process shall not allow for an interim teaching certificate for special education.

(2) The process established under subsection (1) shall provide that the superintendent of public instruction will grant an interim teaching certificate to a person who meets all of the following:

(a) Is a participant in an alternative teaching program that is approved by the superintendent of public instruction. To be approved, a program provider shall demonstrate to the satisfaction of the superintendent of public instruction that it meets all of the following:

(i) Provides for its participants an intensive training program in teaching that is determined by the superintendent of public instruction to constitute the equivalent of at least 12 college credit hours and that includes training in at least all of the following subject areas:

(A) Child development or child psychology.

(B) Family and community relationships.

(C) Diverse learners.

(D) Instructional strategies.

(E) A form of field-based experience in a classroom setting.

(ii) Has a proven record of producing successful teachers in 1 or more other states or is modeled after a program that has a proven record of producing successful teachers in 1 or more other states.

(iii) Accepts for participation only persons who meet the requirements of subdivision (b).

(b) Holds a bachelor's, master's, doctorate, or professional degree from a regionally accredited college or university with a grade point average of at least 3.0 on a 4.0 scale or the equivalent on another scale, as determined by the superintendent of public instruction.

(c) Passes both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified.

(3) A person earning a provisional certificate under this section will be subject to provisions of administrative rules governing teachers, as established by the superintendent of public instruction.

(4) A person who possesses an interim teaching certificate under this section may be employed to teach in a public school in the same manner as a person holding a Michigan teaching certificate issued under section 1531 if all of the following requirements are met:

(a) While the person is teaching under an interim teaching certificate, the school district or public school academy in which the person is teaching provides intensive observation and coaching in a manner and to the extent prescribed by the superintendent of public instruction.

(b) The person is making satisfactory progress toward meeting the requirements for being awarded a Michigan teaching certificate under section 1531, as established by the superintendent of public instruction under subsection (5).

(5) The superintendent of public instruction shall develop standards for granting a person a Michigan teaching certificate issued under section 1531 after the person has demonstrated satisfactory teaching performance for 3 years under an interim teaching certificate and has met the requirements established by the superintendent of public instruction for a Michigan teaching certificate.

(6) The superintendent of public instruction shall promulgate rules that he or she considers necessary to implement this section.

(7) As used in this section, "basic skills examination", "elementary certification examination", and "subject area examination" mean those terms as defined in section 1531.

**History:** Add. 2009, Act 202, Imd. Eff. Jan. 4, 2010.

**Popular name:** Act 451

### **380.1532 Teaching certificate; validity; recording; oath or affirmation; nullification.**

Sec. 1532. (1) Before a teaching certificate is valid in this state, the holder shall record the certificate in the

office of the intermediate superintendent or of the superintendent of schools of the school district in which the holder expects to teach.

(2) Before a teaching certificate is valid in this state, the holder shall make and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the constitution of the United States of America and the constitution of the state of Michigan and that I will faithfully discharge the duties of the office of teacher according to the best of my ability".

(3) The oath set forth in subsection (2) shall be signed by the holder of the teaching certificate, notarized, and attached to or superimposed on the teaching certificate.

(4) Except as provided in this act, a teacher's teaching certificate shall not be nullified except by the state board and for a cause that would have initially justified the withholding of the certificate.

(5) Upon the request of a teacher, the state board immediately shall nullify that teacher's teaching certificate. Upon the request of a teacher, the state board may nullify 1 or more endorsements on the teaching certificate, or a grade level certification included in the teaching certificate, if the grade level certification or endorsement has not been used for 12 or more years.

(6) The state board shall not reinstate, reissue, or renew a teaching certificate, endorsement on a teaching certificate, or a grade level certification that has been nullified pursuant to subsection (5).

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 503, Imd. Eff. Dec. 29, 1988;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2006, Act 619, Imd. Eff. Jan. 3, 2007.

**Popular name:** Act 451

### **380.1533 Teacher's certificate; age requirement.**

Sec. 1533. A certificate qualifying a person to teach in the public schools of this state shall not be granted to a person who is not at least 18 years of age. A certificate granted in contravention of this section is void.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1534 Limited teaching certificate for hearing impaired person.**

Sec. 1534. A hearing impaired person who has completed all of the requirements for certification under this act, other than the student teaching experience with hearing students, and who is verified as having successfully completed the student teaching experience in a special program serving hearing impaired students, at that person's request shall be issued by the state department of education a teaching certificate limited to teaching hearing impaired students in appropriate programs.

**History:** Add. 1978, Act 608, Imd. Eff. Jan. 5, 1979.

**Popular name:** Act 451

### **380.1535 Teacher considered certificated and holder of valid teacher's certificate; time.**

Sec. 1535. For purposes of endorsement or recertification, a teacher shall be considered certificated and the holder of a valid teacher's certificate on the completion date of the requirements of a teacher education college, as defined by the college catalog of courses, until such time as the certification is confirmed or rejected by the state board of education.

**History:** Add. 1983, Act 118, Imd. Eff. July 18, 1983.

**Popular name:** Act 451

### **380.1535a Conviction of teacher for certain crimes; notice of right to hearing; suspension of teaching certificate; summary suspension; findings for action under subsection (1) or (2); compensation; reinstatement, continued suspension, or permanent revocation of teaching certificate; effect of reversal of conviction on final appeal; notice of conviction; evidence of conviction; failure to make final decision and order; construction of section; rules; comparison of individuals holding teaching certificate with conviction information; definitions.**

Sec. 1535a. (1) Subject to subsection (2), if a person who holds a teaching certificate that is valid in this state has been convicted of a crime described in this subsection, within 10 working days after receiving notice of the conviction the superintendent of public instruction shall notify the person in writing that his or her teaching certificate may be suspended because of the conviction and of his or her right to a hearing before the superintendent of public instruction. The hearing shall be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the person does not avail himself or herself of this right to a hearing within 15 working days after receipt of this written notification, the

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Page 145 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

teaching certificate of that person shall be suspended. If a hearing takes place, the superintendent of public instruction shall complete the proceedings and make a final decision and order within 120 working days after receiving the request for a hearing. Subject to subsection (2), the superintendent of public instruction may suspend the person's teaching certificate based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

- (a) Any felony.
- (b) Any of the following misdemeanors:
  - (i) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.
  - (ii) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.
  - (iii) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.
  - (iv) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.
  - (v) A violation of section 115, 141a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.
  - (vi) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.

(vii) Any misdemeanor that is a listed offense.

(c) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(2) If a person who holds a teaching certificate that is valid in this state has been convicted of a crime described in this subsection, the superintendent of public instruction shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's teaching certificate under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an opportunity for a hearing as provided under that section. This subsection does not limit the superintendent of public instruction's ability to order summary suspension of a person's teaching certificate for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

(a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.

(b) Felonious assault on a child, child abuse in the first degree, or an attempt to commit child abuse in the first degree.

(c) Cruelty, torture, or indecent exposure involving a child.

(d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the public health code, 1978 PA 368, MCL 333.7401, 333.7403, 333.7410, and 333.7416.

(e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316, 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316, 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d.

(f) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if a victim is an individual less than 18 years of age.

(g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an individual less than 18 years of age.

(h) A violation of section 349 of the Michigan penal code, 1931 PA 328, MCL 750.349, if a victim is an individual less than 18 years of age.

(i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

(j) Any other crime that is a listed offense.

(k) An attempt or conspiracy to commit an offense listed in subdivision (a), (e), (f), (g), (h), (i), or (j).

(l) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(m) Any other crime listed in subsection (1), if the superintendent of public instruction determines the public health, safety, or welfare requires emergency action based on the circumstances underlying the conviction.

(3) All of the following apply to any proceedings affecting a person's teaching certificate under this section:

(a) The superintendent of public instruction shall appoint a designee to perform the investigatory and prosecutorial functions involved in the proceedings. However, the superintendent of public instruction must approve any settlement, conditional agreement, or other decision not to proceed with charges.

(b) Any final action that affects the status of a person's teaching certificate shall be taken by the superintendent of public instruction.

(c) The superintendent of public instruction after a hearing shall not take action against a person's teaching certificate under subsection (1) or (2) unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. Further, the superintendent of public instruction may take action against a person's teaching certificate under subsection (1) or (2) based on a conviction that occurred before April 1, 2004 if the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. For the purposes of this section, conviction of a listed offense is reasonably and adversely related to the person's fitness to serve in an elementary or secondary school in this state and demonstrates that the person is unfit to teach in an elementary or secondary school in this state.

(4) If a person who has entered a plea of guilt or no contest to or who is the subject of a finding of guilt by a judge or jury of a crime listed in subsection (2) has been suspended from active performance of duty by a public school, school district, intermediate school district, or nonpublic school during the pendency of proceedings under this section, the public school, school district, intermediate school district, or nonpublic school employing the person shall discontinue the person's compensation until the superintendent of public instruction has made a final determination of whether or not to suspend or revoke the person's teaching certificate. If the superintendent of public instruction does not suspend or revoke the person's teaching certificate, the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation, without interest. However, if a collective bargaining agreement is in effect as of January 1, 2006 for employees of a school district, intermediate school district, or public school academy, and if the terms of that collective bargaining agreement are inconsistent with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

(5) Except as otherwise provided in this subsection, after the completion of a person's sentence, the person may request a hearing on reinstatement of his or her teaching certificate. Based upon the issues and evidence presented at the hearing, the superintendent of public instruction may reinstate, continue the suspension of, or permanently revoke the person's teaching certificate. The superintendent of public instruction shall not reinstate a person's teaching certificate unless the superintendent of public instruction finds that the person is currently fit to serve in an elementary or secondary school in this state and that reinstatement of the person's teaching certificate will not adversely affect the health, safety, and welfare of pupils. If a person's conviction was for a listed offense, the person is not entitled to request a hearing on reinstatement under this subsection, and the superintendent of public instruction shall not reinstate the person's teaching certificate under this subsection.

(6) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's teaching certificate shall be reinstated upon his or her notification to the superintendent of public instruction of the reversal.

(b) If the suspension of the person's teaching certificate under this section was the sole cause of his or her discharge from employment, the person shall be reinstated, upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.

(c) If the person's compensation was discontinued under subsection (4), the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation.

(7) If the prosecuting attorney in charge of a case receives a form as provided under section 1230d, the prosecuting attorney shall notify the superintendent of public instruction, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding a copy of the form to each of them not later than 7 days after receiving the form. If the court receives a form as provided under section 1230d, the court shall notify the superintendent of public instruction and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding to each of them a copy of the form and information regarding the sentence imposed on the person not later than 7 days after the date of sentencing, even if the court is maintaining the file as a nonpublic

record.

(8) Not later than 7 days after receiving notification from the prosecuting attorney or the court under subsection (7) or learning through an authoritative source that a person who holds a teaching certificate has been convicted of a crime listed in subsection (1), the superintendent of public instruction shall request the court to provide a certified copy of the judgment of conviction and sentence or other document regarding the disposition of the case to the superintendent of public instruction and shall pay any fees required by the court. The court shall provide this certified copy within 7 days after receiving the request and fees under this section or after entry of the judgment or other document, whichever is later, even if the court is maintaining the judgment or other document as a nonpublic record.

(9) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified or learns through an authoritative source that a person who holds a teaching certificate and who is employed by the school district, intermediate school district, or nonpublic school has been convicted of a crime described in subsection (1) or (2), the superintendent, chief administrative officer, or board president shall notify the superintendent of public instruction of that conviction within 15 days after learning of the conviction.

(10) For the purposes of this section, a certified copy of the judgment of conviction and sentence is conclusive evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this section is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's teaching certificate.

(11) For any hearing under subsection (1), if the superintendent of public instruction does not make a final decision and order within 120 working days after receiving the request for the hearing, as required under subsection (1), the superintendent of public instruction shall submit a report detailing the reasons for the delay to the standing committees and appropriations subcommittees of the senate and house of representatives that have jurisdiction over education and education appropriations. The failure of the superintendent of public instruction to make a final decision and order within this 120 working day time limit, or the failure of any other official or agency to meet a time limit prescribed in this section, does not affect the validity of an action taken under this section affecting a person's teaching certificate.

(12) Beginning July 1, 2004, the superintendent of public instruction shall submit to the legislature a quarterly report of all final actions he or she has taken under this section affecting a person's teaching certificate during the preceding quarter. The report shall contain at least all of the following with respect to each person whose teaching certificate has been affected:

(a) The person's name, as it appears on the teaching certificate.

(b) The school district, intermediate school district, public school academy, or nonpublic school in which the person was employed at the time of the conviction, if any.

(c) The offense for which the person was convicted and the date of the offense and date of the conviction.

(d) Whether the action taken by the superintendent of public instruction was a summary suspension, suspension due to failure to request a hearing, suspension, revocation, or reinstatement of the teaching certificate.

(13) This section does not do any of the following:

(a) Prohibit a person who holds a teaching certificate from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds a teaching certificate.

(14) The superintendent of public instruction may promulgate, as necessary, rules to implement this section pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(15) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of individuals holding a teaching certificate or state board approval, and of any other list maintained by the department of individuals employed or regularly and continuously working under contract in a school, with the conviction information received by the department of state police. This comparison shall only include individuals who are actually school employees at the time of the comparison or who are regularly and continuously working under contract at the time of the comparison. Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. The



department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before transmitting the information under this subsection to the department. The department shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a school district, intermediate school district, public school academy, or nonpublic school of a conviction. If a comparison discloses that a person on the department's list of individuals holding a teaching certificate or state board approval has been convicted of a crime, or if the department is otherwise notified by the department of state police that such a person has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

(16) As used in this section:

(a) "Conviction" means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1.

(c) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(d) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(e) "Regularly and continuously work under contract" means that term as defined in section 1230d.

**History:** Add. 1987, Act 61, Eff. Mar. 30, 1988;—Am. 1990, Act 35, Imd. Eff. Mar. 22, 1990;—Am. 1992, Act 99, Imd. Eff. June 23, 1992;—Am. 1994, Act 144, Imd. Eff. June 2, 1994;—Am. 1995, Act 97, Imd. Eff. June 22, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 51, Imd. Eff. Apr. 1, 2004;—Am. 2005, Act 130, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006;—Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007.

**Popular name:** Act 451

**380.1536 School administrator's certificate; administration of instructional programs; endorsements; development of standards and procedures by state board; consultation; duration of certificate validity; alternative pathways to earning certificate; "established state professional organization" defined.**

Sec. 1536. (1) The state board shall develop a school administrator's certificate that shall be issued to all school district and intermediate school district superintendents, school principals, assistant principals, and other administrators whose primary responsibility is administering instructional programs and who meet the requirements established under subsection (3). An individual described in section 1246(1)(a) is not required by this section to have a school administrator's certificate under this section or an endorsement under subsection (2) to be employed as a school administrator by a school district, public school academy, intermediate school district, or nonpublic school.

(2) The state board also shall develop appropriate certificate endorsements for school administrators, by elementary, secondary, and central office level.

(3) The state board shall develop standards, and the superintendent of public instruction shall develop procedures, to implement this section. The standards and procedures shall address at least all of the following:

(a) The educational and professional experience requirements for a certificate or endorsement under this section.

(b) Continuing education requirements for periodic recertification. These requirements shall be consistent with the continuing education requirements under section 1246.

(c) Procedures for application for and issuance of certificates and endorsements under this section.

(d) Standards and procedures for suspension and revocation of a certificate. These standards and procedures shall be based on the standards and procedures for taking action against a person's teaching certificate under section 1535a.

(4) The department shall consult and work with appropriate professional organizations, primarily organizations representing superintendents and building-level administrators, in developing the standards required under this section.

(5) For the purposes of adding 1 or more enhancement or specialty endorsements for a school administrator's certificate, the department may recognize performance-based professional learning programs offered by established state professional organizations that represent school administrators described in subsection (1). These programs must be approved by the department based on alignment with state

board-approved school administrator program preparation standards.

(6) A school administrator's certificate issued under this section is valid for 5 years and shall be renewed upon completion of renewal units as determined by the superintendent of public instruction.

(7) The department shall recognize alternative pathways to earning the basic school administrator's certificate based on experience or alternative preparation, or both, if the alternative certification program is submitted by an established state professional organization and meets criteria set forth by state board approved school administrator program preparation standards.

(8) As used in this section, "established state professional organization" means an association that has served members on a statewide basis for at least 10 years.

**History:** Add. 2006, Act 335, Imd. Eff. Aug. 15, 2006;—Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010.

**Compiler's note:** Former MCL 380.1536, which pertained to school administrator certificate, was repealed by Act 289 of 1995, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1536a Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to positions requiring valid school administrator certificate.

### **380.1538 Fees for evaluation of application; validity of certificate, permit, authorization, endorsement, approval, or certain renewals.**

Sec. 1538. (1) An applicant shall pay the following fees to the department for having the application evaluated for conformance with the application requirements:

	In-State Applicant	Out-of-State Applicant
(a) <u>Original application fee</u>		
(i) Provisional teaching certificate .....	\$160.00	\$210.00
(ii) Professional teaching certificate.....	160.00	210.00
(iii) Vocational temporary authorization or interim occupational certificate .....	160.00	210.00
(iv) Occupational education certificate .....	160.00	210.00
(v) Additional teaching certificate endorsement .....	50.00	
(vi) Substitute teacher permit .....	45.00	
(vii) Full-year teacher permit .....	45.00	
(viii) Emergency permit .....	45.00	
(ix) Annual occupational authorization .....	40.00	
(x) Duplicate certificate or authorization .....	25.00	
(xi) School psychologist certificate .....	160.00	210.00
(xii) Temporary special education approval .....	50.00	
(xiii) School administrator certificate for persons eligible for certificate after July 1, 1988 .....	160.00	210.00
(xiv) School administrator endorsement .....	50.00	
(xv) School counselor license .....	160.00	210.00
(b) <u>Renewal or reinstatement application fee</u>		In-State Applicant
(i) Provisional teaching certificate .....		\$100.00
(ii) Continuing teaching certificate reinstatement .....		50.00
(iii) Professional teaching certificate .....		160.00
(iv) Vocational temporary authorization or interim occupational certificate .....		100.00

(v)	Occupational education certificate .....	160.00
(vi)	School psychologist certificate .....	160.00
(vii)	School administrator certificate .....	160.00
(viii)	School counselor license .....	160.00

(2) Except as otherwise provided by an administrative rule in effect on October 1, 1988, or as otherwise provided by law, a certificate, permit, authorization, endorsement, or approval, and the renewal of a certificate, certificate reinstatement, or authorization issued pursuant to subsection (1) is valid for 5 years.

**History:** Add. 1988, Act 339, Imd. Eff. Oct. 18, 1988;—Am. 2007, Act 144, Imd. Eff. Nov. 19, 2007.

**Popular name:** Act 451

### **380.1538a Teacher preparation institution and subject area specialty programs; approval; fees; periodic review; frequency.**

Sec. 1538a. (1) A teacher preparation institution and its subject area specialty programs shall be approved by the state as provided under R 390.1151 to R 390.1156 of the Michigan administrative code. As provided under R 390.1151 of the Michigan administrative code, and subject to subsection (3), the teacher preparation program and subject area specialty programs of a state-approved teacher preparation institution are subject to periodic review for conformance with state board standards and procedures.

(2) A state-approved teacher preparation institution shall pay the following fees to the department for approval and periodic review under subsection (1):

(a) For approval or periodic review of a teacher preparation program, the following:

(i) If the college or university of which the teacher preparation institution is part has a total student enrollment of less than 2,000, a fee of \$2,000.00.

(ii) If the college or university of which the teacher preparation institution is part has a total student enrollment of 2,000 or more, a fee of \$3,500.00.

(b) For approval or periodic review of a subject area specialty program, a fee of \$300.00.

(3) The department shall not conduct a periodic review of a particular teacher preparation program or subject area specialty program more frequently than once every 5 years. However, if the content standards for a subject area specialty program are revised, the department may conduct a periodic review of that subject area specialty program before the 5-year review period has expired.

**History:** Add. 2007, Act 144, Imd. Eff. Nov. 19, 2007.

**Popular name:** Act 451

### **380.1539 Teacher-administrator preparation and certification fund; establishment; administration; deposit of fees; receipt of revenue; expenditures; carryover of unexpended money.**

Sec. 1539. (1) A teacher-administrator preparation and certification fund is established in the department of treasury to be administered by the department of education.

(2) The department of education shall receive and forward to the state treasurer for deposit in the teacher-administrator preparation and certification fund all fees collected under section 1538 or 1538a. The teacher-administrator preparation and certification fund may receive as revenue money from any other source, as appropriated by the legislature.

(3) The revenue in the teacher-administrator preparation and certification fund shall be expended for the operation of the teacher preparation and certification program and the administrator preparation and certification program and for teacher and administrator professional development and other quality-related activities, including the teacher certification database system under section 1531h.

(4) Money in the teacher-administrator preparation and certification fund that is unexpended at the end of the state fiscal year shall be carried over to the succeeding state fiscal year, shall not revert to the general fund, and shall be expended as provided in subsection (3).

**History:** Add. 1988, Act 339, Imd. Eff. Oct. 18, 1988;—Am. 2004, Act 76, Imd. Eff. Apr. 21, 2004;—Am. 2007, Act 144, Imd. Eff. Nov. 19, 2007.

**Popular name:** Act 451

### **380.1539a Repealed. 2004, Act 51, Imd. Eff. Apr. 1, 2004.**

**Compiler's note:** The repealed section pertained to conviction of school administrator for certain crimes.

**Popular name:** Act 451

### **380.1539b Conviction of person holding board approval for certain crimes; notice of right to hearing; suspension; summary suspension; compensation; reinstatement, continued**

**suspension, or permanent revocation of state board approval; notice of conviction; evidence of conviction; failure to complete hearing procedures; construction of section; rules; comparison of individuals holding teaching certificate with conviction information; definitions.**

Sec. 1539b. (1) Subject to subsection (2), if a person who holds state board approval has been convicted of a crime described in this subsection, within 10 working days after receiving notice of the conviction the superintendent of public instruction shall notify the person in writing that his or her state board approval may be suspended because of the conviction and of his or her right to a hearing before the superintendent of public instruction. The hearing shall be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the person does not avail himself or herself of this right to a hearing within 15 working days after receipt of this written notification, the person's state board approval shall be suspended. If a hearing takes place, the superintendent of public instruction shall complete the proceedings and make a final decision and order within 120 working days after receiving the request for a hearing. Subject to subsection (2), the superintendent of public instruction may suspend the person's state board approval, based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

- (a) Any felony.
- (b) Any of the following misdemeanors:
  - (i) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.
  - (ii) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.
  - (iii) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.
  - (iv) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.
  - (v) A violation of section 115, 141a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.
  - (vi) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.
  - (vii) Any misdemeanor that is a listed offense.
- (c) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(2) If a person who holds state board approval has been convicted of a crime described in this subsection, the superintendent of public instruction shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's state board approval under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an opportunity for a hearing as required under that section. This subsection does not limit the superintendent of public instruction's ability to order summary suspension of a person's state board approval for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

- (a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.
- (b) Felonious assault on a child, child abuse in the first degree, or an attempt to commit child abuse in the first degree.
- (c) Cruelty, torture, or indecent exposure involving a child.
- (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the public health code, 1978 PA 368, MCL 333.7401, 333.7403, 333.7410, and 333.7416.
- (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316, 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316, 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d.
- (f) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if a victim is an individual less than 18 years of age.
- (g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an individual less than 18 years of age.
- (h) A violation of section 349 of the Michigan penal code, 1931 PA 328, MCL 750.349, if a victim is an individual less than 18 years of age.

(i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

(j) Any other crime that is a listed offense.

(k) An attempt or conspiracy to commit an offense listed in subdivision (a), (e), (f), (g), (h), (i), or (j).

(l) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(m) Any other crime listed in subsection (1), if the superintendent of public instruction determines the public health, safety, or welfare requires emergency action based on the circumstances underlying the conviction.

(3) All of the following apply to any proceedings affecting a person's state board approval under this section:

(a) The superintendent of public instruction shall appoint a designee to perform the investigatory and prosecutorial functions involved in the proceedings. However, the superintendent of public instruction must approve any settlement, conditional agreement, or other decision not to proceed with charges.

(b) Any final action that affects the status of a person's state board approval shall be taken by the superintendent of public instruction.

(c) The superintendent of public instruction after a hearing shall not take action against a person's state board approval under subsection (1) or (2) unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. Further, the superintendent of public instruction may take action against a person's state board approval under subsection (1) or (2) based on a conviction that occurred before April 1, 2004 if the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state. For the purposes of this section, conviction of a listed offense is reasonably and adversely related to the person's fitness to serve in an elementary or secondary school in this state and demonstrates that the person is unfit to teach in an elementary or secondary school in this state.

(4) If a person who has entered a plea of guilt or no contest to or who is the subject of a finding of guilt by a judge or jury of a crime listed in subsection (2) has been suspended from active performance of duty by a public school, school district, intermediate school district, or nonpublic school during the pendency of proceedings under this section, the public school, school district, intermediate school district, or nonpublic school employing the person shall discontinue the person's compensation until the superintendent of public instruction has made a final determination of whether or not to suspend or revoke the person's state board approval. If the superintendent of public instruction does not suspend or revoke the person's state board approval, the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation, without interest. However, if a collective bargaining agreement is in effect as of January 1, 2006 for employees of a school district, intermediate school district, or public school academy, and if the terms of that collective bargaining agreement are inconsistent with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

(5) Except as otherwise provided in this subsection, after the completion of the person's sentence, the person may request a hearing on reinstatement of his or her state board approval. Based upon the issues and evidence presented at the hearing, the superintendent of public instruction may reinstate, continue the suspension of, or permanently revoke the person's state board approval. The superintendent of public instruction shall not reinstate a person's state board approval unless the superintendent of public instruction finds that the person is currently fit to serve in an elementary or secondary school in this state and that reinstatement of the person's state board approval will not adversely affect the health, safety, and welfare of pupils. If a person's conviction was for a listed offense, the person is not entitled to request a hearing on reinstatement under this subsection, and the superintendent of public instruction shall not reinstate the person's state board approval under this subsection.

(6) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's state board approval shall be reinstated upon his or her notification to the superintendent of public instruction of the reversal.

(b) If the suspension of the state board approval was the sole cause of his or her discharge from employment, the person shall be reinstated upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.



(c) If the person's compensation was discontinued under subsection (4), the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation.

(7) If the prosecuting attorney in charge of a case receives a form as provided under section 1230d, the prosecuting attorney shall notify the superintendent of public instruction, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding a copy of the form to each of them not later than 7 days after receiving the form. If the court receives a form as provided under section 1230d, the court shall notify the superintendent of public instruction and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding to each of them a copy of the form and information regarding the sentence imposed on the person not later than 7 days after the date of the sentencing, even if the court is maintaining the file as a nonpublic record.

(8) Not later than 7 days after receiving notification from the prosecuting attorney or the court under subsection (7) or learning through an authoritative source that a person who holds state board approval has been convicted of a crime listed in subsection (1), the superintendent of public instruction shall request the court to provide a certified copy of the judgment of conviction and sentence or other document regarding the disposition of the case to the superintendent of public instruction and shall pay any fees required by the court. The court shall provide this certified copy within 7 days after receiving the request and fees under this section or after entry of the judgment or other document, whichever is later, even if the court is maintaining the judgment or other document as a nonpublic record.

(9) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified or learns through an authoritative source that a person who holds state board approval and who is employed by the school district, intermediate school district, or nonpublic school has been convicted of a crime described in subsection (1) or (2), the superintendent, chief administrative officer, or board president shall notify the superintendent of public instruction of that conviction within 15 days after learning of the conviction.

(10) For the purposes of this section, a certified copy of the judgment of conviction and sentence is conclusive evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this section is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's state board approval.

(11) For any hearing under subsection (1), if the superintendent of public instruction does not make a final decision and order within 120 working days after receiving the request for the hearing, as required under subsection (1), the superintendent of public instruction shall submit a report detailing the reasons for the delay to the standing committees and appropriations subcommittees of the senate and house of representatives that have jurisdiction over education and education appropriations. The failure of the superintendent of public instruction to make a final decision and order within this 120 working day time limit, or the failure of any other official or agency to meet a time limit prescribed in this section, does not affect the validity of an action taken under this section affecting a person's state board approval.

(12) Beginning July 1, 2004, the superintendent of public instruction shall submit to the legislature a quarterly report of all final actions he or she has taken under this section affecting a person's state board approval during the preceding quarter. The report shall contain at least all of the following with respect to each person whose state board approval has been affected:

(a) The person's name, as it appears on the state board approval.

(b) The school district, intermediate school district, public school academy, or nonpublic school in which the person was employed at the time of the conviction, if any.

(c) The offense for which the person was convicted and the date of the offense and date of the conviction.

(d) Whether the action taken by the superintendent of public instruction was a summary suspension, suspension due to failure to request a hearing, suspension, revocation, or reinstatement of the state board approval.

(13) This section does not do any of the following:

(a) Prohibit a person who holds state board approval from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds state board approval.

(c) Exempt a person who holds state board approval from the operation of section 1535a if the person

holds a certificate subject to that section.

(d) Limit the ability of a state licensing body to take action against a person's license or registration for the same conviction.

(14) The superintendent of public instruction may promulgate, as necessary, rules to implement this section pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(15) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of individuals holding a teaching certificate or state board approval, and of any other list maintained by the department of individuals employed or regularly and continuously working under contract in a school, with the conviction information received by the department of state police. This comparison shall only include individuals who are actually school employees at the time of the comparison or who are regularly and continuously working under contract at the time of the comparison. Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before transmitting the information under this subsection to the department. The department shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a school district, intermediate school district, public school academy, or nonpublic school of a conviction. If a comparison discloses that a person on the department's list of individuals holding a teaching certificate or state board approval has been convicted of a crime, or if the department is otherwise notified by the department of state police that such a person has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

(16) As used in this section:

(a) "Conviction" means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1.

(c) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(d) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(e) "Regularly and continuously work under contract" means that term as defined in section 1230d.

(f) "State board approval" means a license, certificate, approval not requiring a teaching certificate, or other evidence of qualifications to hold a particular position in a school district or intermediate school district or in a nonpublic school, other than a teacher's certificate subject to section 1535a, that is issued to a person by the state board or the superintendent of public instruction under this act or a rule promulgated under this act.

**History:** Add. 1992, Act 99, Imd. Eff. June 23, 1992;—Am. 1994, Act 144, Imd. Eff. June 2, 1994;—Am. 1995, Act 97, Imd. Eff. June 22, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 51, Imd. Eff. Apr. 1, 2004;—Am. 2005, Act 130, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006;—Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007.

**Popular name:** Act 451

## PART 23 COUNT OF RESIDENT CHILDREN

### **380.1540 Repealed. 1977, Act 43, Imd. Eff. June 29, 1977.**

**Compiler's note:** The repealed section pertained to count of children residing in district.

**Popular name:** Act 451

### **380.1541 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to school census.

**Popular name:** Act 451

### **380.1542-380.1544 Repealed. 1977, Act 43, Imd. Eff. June 29, 1977.**

**Compiler's note:** The repealed sections pertained to duties of census enumerator, children placed in licensed homes or homes of relatives, and verification and filing of census.

**Popular name:** Act 451

### **380.1551 Repealed. 1977, Act 43, Imd. Eff. June 29, 1977.**

**Compiler's note:** The repealed section pertained to alternate procedures for obtaining name, age, and address of children and handicapped persons.

**Popular name:** Act 451

## **PART 24**

### **COMPULSORY SCHOOL ATTENDANCE**

#### **380.1561 Compulsory attendance at public school; enrollment dates; exceptions.**

Sec. 1561. (1) Except as otherwise provided in this section, for a child who turned age 11 before December 1, 2009 or who entered grade 6 before 2009, the child's parent, guardian, or other person in this state having control and charge of the child shall send that child to a public school during the entire school year from the age of 6 to the child's sixteenth birthday. Except as otherwise provided in this section, for a child who turns age 11 on or after December 1, 2009 or a child who was age 11 before that date and enters grade 6 in 2009 or later, the child's parent, guardian, or other person in this state having control and charge of the child shall send the child to a public school during the entire school year from the age of 6 to the child's eighteenth birthday. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. In a school district that maintains school during the entire calendar year and in which the school year is divided into quarters, a child is not required to attend the public school more than 3 quarters in 1 calendar year, but a child shall not be absent for 2 or more consecutive quarters.

(2) A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child becoming 6 years of age on or after December 1 shall be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

(3) A child is not required to attend a public school in any of the following cases:

(a) The child is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the nonpublic school is located.

(b) The child is less than 9 years of age and does not reside within 2-1/2 miles by the nearest traveled road of a public school. If transportation is furnished for pupils in the school district of the child's residence, this subdivision does not apply.

(c) The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.

(d) The child is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.

(e) The child has graduated from high school or has fulfilled all requirements for high school graduation.

(f) The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.

(4) For a child being educated at the child's home by his or her parent or legal guardian, exemption from the requirement to attend public school may exist under either subsection (3)(a) or (3)(f), or both.

(5) For a child who turns age 11 on or after December 1, 2009 or who was age 11 before that date and enters grade 6 in 2009 or later, this section does not apply to the child if the child is at least age 16 and the child's parent or legal guardian has provided to school officials of the school district in which the child resides a written notice that the child has the permission of the parent or legal guardian to stop attending school.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1996, Act 339, Eff. July 1, 1996;—Am. 2009, Act 204, Imd. Eff. Jan. 4, 2010.

**Constitutionality:** Shared time instruction of sectarian, nonpublic school students in and of itself is not violative of the Establishment Clause of the United States Constitution even where benefits to religion appear substantial; it is only where it is clear that the program was motivated wholly by religious considerations that a conflict with the clause would exist. Snyder v Charlotte Schools, 421 Mich 517; 365 NW2d 151 (1984).

Shared time instruction clearly is not intended to benefit one or all religions; rather, the purpose is secular: to provide educational opportunities at public schools for all resident school-age children whether they attend public or religious or secular nonpublic schools. Snyder v Charlotte Schools, 421 Mich 517; 365 NW2d 151 (1984).

Rendered Friday, January 14, 2011

Page 156 Michigan Compiled Laws Complete Through PA 324, 327, 332, 336, 338-341, 343, 344, 361, and 378 of 2010

**Popular name:** Act 451

**Administrative rules:** R 340.71 et seq. of the Michigan Administrative Code.

### **380.1565 Providing opportunity to observe time in silent meditation; guidelines.**

Sec. 1565. The board of education of a school district may by resolution provide the opportunity during each school day to allow students who wish to do so, the opportunity to observe time in silent meditation. The state board shall develop guidelines which a school board may use in the implementation of this section.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

**Popular name:** Act 451

### **380.1571 Attendance officers; acceptance and oath of office; surety bond; powers and duties; list of teachers and superintendent.**

Sec. 1571. (1) The intermediate school board shall select 1 or more persons to act as attendance officers for the intermediate school district. An attendance officer shall file with the secretary of the intermediate school board an acceptance and oath of office, and a surety bond in the sum of \$1,000.00.

(2) The board of a school district having a pupil membership of 1,000 or more on the latest pupil membership count day may employ attendance officers. An attendance officer employed by a board of education shall give a surety bond to the board in the sum of \$1,000.00.

(3) An attendance officer of an intermediate school district or a local school district shall have the powers of a deputy sheriff within the district or the intermediate school district while performing official duties. An intermediate school district attendance officer shall perform the duties of the office in each constituent district in which the local board does not employ an attendance officer.

(4) At the opening of the schools the intermediate superintendent shall furnish the intermediate attendance officer with a list of the teachers and superintendents employed in constituent districts other than those employing an attendance officer.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1576 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to attendance report.

**Popular name:** Act 451

### **380.1577 Attendance report; school district other than primary school district.**

Sec. 1577. The secretary of the board of a school district other than a primary school district at the opening of school shall furnish a copy of the last school census to the superintendent of schools, or the teacher or teachers if no superintendent is employed in the district, together with the name and address of the attendance officer who has jurisdiction in the district. At the opening of school the superintendent, teacher, or teachers shall compare the census list with the enrollment of the school, and shall report to the proper attendance officer the names and addresses of parents or other persons in parental relation to a child of compulsory attendance age not in regular attendance at the public schools, and names of parents or others in parental relation to a child not enrolled in the school and whose name is not included in the census.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1578 Attendance report; nonpublic schools.**

Sec. 1578. The appropriate authority of each nonpublic school at the beginning of the school year shall furnish the superintendent of schools of the district in which the nonpublic school is situated or the intermediate superintendent:

(a) The name and age of each child who is enrolled at the school.

(b) The number or name of the school district and the city or township and county in which the parent, guardian, or person in parental relation resides.

(c) The name and address of the parent, guardian, or other person in parental relation.

(d) The name and age of each child enrolled in the school who is not in regular attendance.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1586 Nonattendance at school; notice; investigation; discussion of irregular attendance, failing work, or behavior problems with parent.**

Sec. 1586. (1) The attendance officer shall investigate each case of nonattendance at school when notified by a teacher, superintendent, intermediate superintendent, or other person of a violation of this part. If the child complained of is not exempt from public school attendance under the conditions listed in section 1561, the attendance officer shall proceed immediately in the manner provided in this part.

(2) If a child is repeatedly absent from school without valid excuse, or is failing in schoolwork or gives evidence of behavior problems, and attempts to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.

(3) The superintendent, or the teacher in a district which does not employ a superintendent, shall provide information concerning the nonattendance of each nonresident pupil to the intermediate superintendent of the intermediate school district in which the nonresident pupil resides. The intermediate attendance officer, when notified by the intermediate superintendent or superintendent of schools, shall investigate and proceed in all cases of nonattendance of nonresident pupils in the same manner provided in this part for enforcing attendance of pupils attending schools in districts in which they reside.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1587 Failure to send child to school; notice to parent; notice of noncompliance.**

Sec. 1587. If a parent or other person in parental relation fails to send a child under his or her control to the public school or other school listed under section 1561, the attendance officer, upon receiving notice from proper authority of that fact, shall give written notice in person or by registered mail to the parent or other person in parental relation requiring the child to appear at the public school or other school on the next regular school day following the receipt of notice, and to continue in regular and consecutive attendance in school. The attendance officer shall notify the intermediate superintendent or superintendent of schools of the service of notice. The intermediate superintendent or superintendent of schools shall notify the attendance officer of the failure on the part of the parent or other person in parental relation to comply with the notice.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1588 Complaint against parent; warrant; hearing; determination.**

Sec. 1588. The attendance officer, after giving the formal notice prescribed in section 1587, shall determine whether the parent or other person in parental relation has complied with the notice. The attendance officer shall make a complaint against the parent or other person in parental relation having the legal charge and control of the child who fails to comply to the court having jurisdiction in the county of residence for refusal or neglect to send the child to school. The court shall issue a warrant upon the complaint and shall proceed to hear and determine it in the same manner as is provided for other cases under its jurisdiction.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1589 Furnishing assistance and information to attendance officer.**

Sec. 1589. School officers, superintendents, administrators, and teachers shall give assistance and furnish information to aid an attendance officer in the performance of official duties.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1596 Ungraded school or department for juvenile disorderly persons.**

Sec. 1596. (1) The board of a school district other than a primary school district may establish 1 or more ungraded schools for the instruction of certain pupils classified in subsection (2). The board may require the pupils to attend an ungraded school or a department of the school as the board directs.

(2) A child aged 7 to his or her sixteenth birthday, or his or her eighteenth birthday if the child turns age 11 on or after December 1, 2009 or is age 11 before that date and enters grade 6 in 2009 or later, who resides in the school district and who meets 1 or more of the following is considered a juvenile disorderly person and in the judgment of the proper school authorities may be assigned to the ungraded school or department:

(a) Except for a child described in section 1561(5), a child who is habitually truant from the school in which he or she is enrolled as a pupil.

(b) A child who, while attending school, is incorrigibly turbulent, disobedient, and insubordinate, or who is



immoral in conduct.

(c) A child who is not attending school and who habitually frequents streets and other public places, having no lawful business, employment, or occupation.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2009, Act 204, Imd. Eff. Jan. 4, 2010.

**Popular name:** Act 451

### **380.1597 Repealed. 1978, Act 90, Eff. June 1, 1978.**

**Compiler's note:** The repealed section pertained to work permits for minors 16 years of age.

**Popular name:** Act 451

### **380.1599 Noncompliance of parent as misdemeanor; penalty.**

Sec. 1599. A parent or other person in parental relation who fails to comply with this part is guilty of a misdemeanor, punishable by a fine of not less than \$5.00 nor more than \$50.00, or imprisonment for not less than 2 nor more than 90 days, or both.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

## **PART 25**

### **COMMUNITY COLLEGES OPERATED BY SCHOOL DISTRICTS**

### **380.1601 “Community college” defined.**

Sec. 1601. As used in this part, “community college” includes a junior college established prior to June 14, 1955.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1602 Community college of district school system; establishment; approval of state board.**

Sec. 1602. The board of a first class school district or other school district having a population of more than 10,000, after having secured the approval of the state board, may establish collegiate and noncollegiate courses of study. These collegiate courses, except in school districts of the first class, shall not embrace more than 2 years of collegiate work. The courses, collectively and exclusive of the regular K to 12 grades, shall be known and designated as the community college of the district school system.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1602a Taxes levied for operation of community college.**

Sec. 1602a. (1) The board of a school district operating a community college under this part may levy taxes for the operation of the community college at a millage rate not to exceed the number of mills determined by the department to equal the number of mills authorized under section 1211 as of the effective date of the amendatory act that added this section for operating the community college and reported to the department for the purpose of compiling the activity classification structure data under section 204 of Act No. 163 of the Public Acts of 1993. The millage allowed under this subsection may be levied without a vote of the school electors of the school district until the millage authorization expires.

(2) With the approval of the school electors of the school district, the board of a school district may renew the millage authorized under subsection (1) or levy additional millage for the operation of the community college, or both.

**History:** Add. 1993, Act 312, Eff. Mar. 15, 1994.

**Popular name:** Act 451

### **380.1603 Community college; joint establishment and operation; procedures and regulations.**

Sec. 1603. (1) The boards of 2 or more school districts may provide for the joint establishment and operation of a community college by adopting mutually agreeable procedures and regulations as to administration, financial support, and other necessary regulations. The procedures and regulations shall be approved by the state board.

(2) If the combined population of the school districts is less than 10,000, joint establishment of a community college shall be approved by the school electors of each district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.1604 Contract with district maintaining community college for attendance of other school district residents; qualifications, tuition, and transportation.**

Sec. 1604. A board of a school district may contract with the board of another school district maintaining a community college or another community college board for the attendance of school district residents who possess the qualifications for enrollment in the college, pay the tuition in whole or in part of the students for periods of time and covering courses agreed upon by the contracting districts, and provide transportation to and from the college for residents enrolling in the college.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.1605 Discontinuance of community college; disposition of property; settlement of accounts and obligations.**

Sec. 1605. (1) If a school district is operating a community college and a community college district is established and operated under Act No. 331 of the Public Acts of 1966, as amended, being sections 389.1 to 389.195 of the Michigan Compiled Laws, which community college district includes the territory of the school district or a major portion thereof, the board of the school district, with the approval of the state board, may discontinue the community college.

(2) If a community college is discontinued, the board of education may:

(a) Give real and personal property of the school district appropriate for community college use to the community college district, or sell it to the community college district at prices and on terms satisfactory to the school board, the community college district, and the state board, and execute and deliver contracts, deeds, and instruments of conveyance.

(b) Sell the real or personal property used by the community college no longer deemed necessary for school district purposes or for community college purposes, at prices and on terms satisfactory to the board, and execute and deliver contracts, deeds, and instruments of conveyance.

(c) Settle accounts and obligations which may arise on account of the community college district taking over the community college.

(d) Rent or lease real or personal property of the school district to the community college district for times and terms as may be mutually agreed upon and contracted for.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.1606 Acquisition of lands and buildings; borrowing money; issuance of bonds or other obligations; repayment; terms of bonds; nature of debt.**

Sec. 1606. A school district operating a community college under this part may acquire lands and acquire or erect and equip buildings and maintain them to be used as residence halls, apartments, dining facilities, student centers, parking facilities, and health centers. The school district may finance the acquisition by borrowing money and issuing bonds or other obligations under terms and provisions as it deems best, including the right to refund the bonds or obligations. The school district shall obligate itself for the repayment of bonds or other obligations, together with interest, solely out of the income and revenues from the facilities or other facilities acquired, or from allocations and pledges of fees and charges required to be paid by students enrolling in the college, or a combination thereof. The bonds shall not exceed 50 years, and shall not constitute a debt of the state or a political subdivision of the state.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.1606a Transfer of title of property to obtain capital financing for improvements; building school building upon leased site.**

Sec. 1606a. (1) The board of a school district that operates a community college under this part may transfer title of real or personal property owned by the school district to the state building authority in order to obtain capital financing from the state building authority for improvements to the property, even though the property continues to be required and used for community college or other school district purposes. The board of the school district shall give proper deeds, bills of sale, or other instruments necessary to pass title to the property.

(2) Notwithstanding section 1263, the board of a school district that operates a community college may

build or contract to build a school building for the community college upon a site for which the school district has a lease from the state building authority of less than 50 years.

**History:** Add. 1993, Act 37, Imd. Eff. May 13, 1993.

**Popular name:** Act 451

### **380.1606b Board of school district operating community college; establishment of department of public safety; grant of authority to public safety officers; public hearings; public safety advisory committee.**

Sec. 1606b. (1) The board of a school district operating a community college under this part may establish a department of public safety for that community college for the protection of persons and property.

(2) If the board of the school district establishes a department of public safety under subsection (1), the board may grant to the public safety officers the authority of peace or law enforcement officers.

(3) Before granting the powers and authority provided under subsection (2), the board shall conduct not less than 2 public hearings.

(4) The board shall not grant the powers and authority described in subsection (2) unless that board creates a public safety advisory committee. The public safety advisory committee shall be comprised of 2 members of the faculty and 2 members of the staff of the community college. The public safety advisory committee shall receive and address grievances by persons against the public safety officers or against the public safety department of that community college. The committee may recommend to the board or the administration of that community college that disciplinary measures be taken against a public safety officer or police officer who is found responsible for misconduct in office.

**History:** Add. 1998, Act 52, Imd. Eff. Mar. 31, 1998.

**Popular name:** Act 451

### **380.1606c Public safety officers or police officers; jurisdiction.**

Sec. 1606c. (1) The jurisdiction of public safety officers or police officers granted powers and authority under section 1606b shall include all property owned or leased by the community college in this state and extends to the public right-of-way traversing or contiguous to that property.

(2) The jurisdiction of public safety officers or police officers under subsection (1) is limited to the protection of persons and property on the property of that community college unless a response is made off campus at the specific request of another law enforcement agency or under a mutual aid agreement with another law enforcement agency.

**History:** Add. 1998, Act 52, Imd. Eff. Mar. 31, 1998.

**Popular name:** Act 451

### **380.1606d Public safety officers or police officers; minimum standards.**

Sec. 1606d. Public safety officers or police officers of a community college to whom the powers and authority of a peace or law enforcement officer are granted under section 1606b shall meet the minimum standards of the Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 28.601 to 28.616.

**History:** Add. 1998, Act 52, Imd. Eff. Mar. 31, 1998.

**Popular name:** Act 451

### **380.1606e Monthly uniform crime reports.**

Sec. 1606e. The public safety department of each community college shall submit monthly uniform crime reports pertaining to crimes within the department's jurisdiction to the department of state police in the same manner as uniform crime reports are submitted under section 1 of 1968 PA 319, MCL 28.251.

**History:** Add. 1998, Act 52, Imd. Eff. Mar. 31, 1998.

**Popular name:** Act 451

### **380.1607 Contribution by local governmental unit to support of community college; uniform tuition and fees.**

Sec. 1607. A county, township, or other governmental unit, by action of its governing body may contribute annually toward the support of a community college maintained by a school district pursuant to this part. Tuition and fees charged by the school district for enrollment in the community college shall be uniform throughout a county, township, or governmental unit making an annual contribution to the community college.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

PART 26  
SCHOOL TAXES

**380.1611 Certification of school property taxes; approval of city governing body; assessment, spread, and collection of taxes; remittance of collections; expenses; limitations; powers and duties of city officers; school taxes as lien; penalties, interest, and collection charges.**

Sec. 1611. (1) Upon the approval of the city governing body before January 1, 1983, the board of a school district or intermediate school district situated in whole or in part in a city may certify either the total or 1/2 of the levy of school property taxes on the city portion of the school district or intermediate school district. If certified, or if approval of the city governing body is not given before January 1, 1983 and a city agrees or elects pursuant to section 1613 to collect either the total or 1/2 of the levy of school taxes on the taxable property of the city portion of the school district or intermediate school district, the appropriate officials of that city in which the school district or intermediate school district is located shall assess, spread, and collect these school taxes and shall remit the collections to the school district or intermediate school district as provided in Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

(2) Except where a city assessed and collected school taxes pursuant to this section prior to December 31, 1974, reasonable expenses incurred by the city in assessing and collecting the school taxes, to the extent that those expenses are in addition to the expenses of assessing and collecting other taxes at the same time and, except as otherwise agreed to by the city and school district or intermediate school district, exceed the amount of any fee and charge imposed by the city on collection of the school taxes, shall be billed to and paid by the school board of education or intermediate school board. However, if these additional reasonable expenses are allowed by this section to a city exercising its option under section 1613(3), the following limitations shall apply:

(a) These additional reasonable expenses shall not exceed the amount specified in the statement required by section 1613(4)(b) as the actual cost of collection in addition to fees and charges authorized by section 1613(4)(g) that the treasurer of the school district, intermediate school district, or county has determined to be imposed.

(b) The total reasonable expenses, without deduction because the expense is part of the expense of assessing and collecting other taxes at the same time and including fees and charges imposed by the city on the collection of the school taxes, shall not exceed the amount specified in the statement required by section 1613(4)(b) as the aggregate amount of the costs of collection the district has determined to incur itself or the county treasurer may receive from district payments and from fees and charges imposed pursuant to section 1613(4)(g).

(3) In proceedings for the assessment, spreading, and collection of taxes for school purposes in the school district or intermediate school district, and for the receipt and disbursement of money belonging to the school district or intermediate district, the city assessing officer, city clerk, and city treasurer of the city in which the school district or intermediate school district is situated shall have like powers and duties as prescribed by the laws of this state for township supervisors, township clerks, and township treasurers.

(4) School taxes collected by a city shall become a lien against the property on which assessed in the same manner and on the same date as city taxes or, if the city approves the collection of school taxes on a date other than the date it collects the city taxes, on July 1. The school taxes which are collected with the city taxes shall be subject to the same penalties, interest, and collection charges as city taxes and shall be returned as delinquent to the county treasurer in the same manner and with the same interest, penalties, and fees as city taxes are returned. School taxes collected by a city pursuant to this section on a date other than a date it collects city taxes shall be subject to the same fees and charges a city may impose under section 44 of Act No. 206 of the Public Acts of 1893, being section 211.44 of the Michigan Compiled Laws. School taxes collected pursuant to this section on or before September 14 of each year by a city that collects school taxes on a date other than the date it collects city taxes shall be without interest, but such taxes collected after September 14 in each year shall bear interest at the rate imposed by section 59 of Act No. 206 of the Public Acts of 1893, being section 211.59 of the Michigan Compiled Laws, on delinquent property tax levies which became a lien in the same year. All interest and penalties that are imposed prior to the date these taxes are returned delinquent and that are attributable to school taxes other than collection fees shall belong to the school district or intermediate school district. The collection fees if imposed shall be retained by the city.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 20, Imd. Eff. May 27, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981.  
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**Popular name:** Act 451

**380.1612 Certification of school property taxes; approval of township board; preparing and furnishing assessment and tax rolls; collection warrant; collection and remittance; expenses; limitations; school taxes as lien; fees and charges; interest and penalties; applicable law.**

Sec. 1612. (1) Upon the approval of a township board before January 1, 1983, the board of a school district or intermediate school district may certify either the total or 1/2 of the levy of school property taxes on the township portion of the school district or intermediate school district. If certified, or if approval of the township board is not given before January 1, 1983 and pursuant to section 1613 a township elects or agrees to collect either the total or 1/2 of the total school taxes of a school district or intermediate school district located in the township, the township supervisor before June 30 of each year shall prepare the assessment and tax rolls and furnish these rolls to each affected township treasurer with the supervisor's collection warrant attached thereto. Each township treasurer shall proceed to collect the taxes and remit the collections to the school district or intermediate school district as provided in Act No. 206 of the Public Acts of 1893, as amended, being sections 211.1 to 211.157 of the Michigan Compiled Laws. Except where a township assessed and collected school taxes pursuant to this section prior to December 31, 1974, reasonable expenses incurred by the township in assessing and collecting the school taxes, to the extent that the expenses are in addition to the expenses of assessing and collecting any other taxes at the same time and, except as otherwise agreed to by the township and school district or intermediate school district, exceed the amount of any fees and charges imposed by the township on collection of the school taxes, shall be billed to and paid by the school board or intermediate school board. However, if these additional reasonable expenses are allowed by this section to a township exercising its option under section 1613(3), the following limitations shall apply:

(a) These additional reasonable expenses shall not exceed the amount specified in the statement required by section 1613(4)(b) as the actual cost of collection in addition to fees and charges authorized by section 1613(4)(g) that the treasurer of the school district, intermediate school district, or county has determined to be imposed.

(b) The total reasonable expenses, without deduction because the expense is part of the expense of assessing and collecting other taxes at the same time and including fees and charges imposed by the township on the collection of the school taxes, shall not exceed the amount specified in the statement required by section 1613(4)(b) as the aggregate amount of the costs of collection the district has determined to incur itself or the county treasurer may receive from district payments and from fees and charges imposed pursuant to section 1613(4)(g).

(2) School taxes collected by a township shall become a lien against the property on which assessed on July 1. Taxes collected on or before September 14 in each year shall be without interest. Taxes collected after September 14 of any year shall bear interest at the rate imposed by section 59 of Act No. 206 of the Public Acts of 1893, being section 211.59 of the Michigan Compiled Laws, on delinquent property tax levies which became a lien in the same year. The school taxes which are collected by a township shall be subject to the same fees and charges the township may impose under section 44 of Act No. 206 of the Public Acts of 1893, being section 211.44 of the Michigan Compiled Laws. All interest and penalties, other than collection fees, that are imposed prior to the date these taxes are returned delinquent and that are attributable to school taxes shall belong to the school district or intermediate school district. Interest and, to the extent permitted by section 44 of Act No. 206 of the Public Acts of 1893, fees shall be included in the delinquent tax rolls returned to the county treasurer as of March 1 of each year.

(3) Act No. 206 of the Public Acts of 1893, as amended, shall apply to proceedings in relation to the assessment, spreading, and collection of taxes for school purposes in the school district or intermediate school district, and to the powers and duties of the township supervisor and the township treasurer.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 20, Imd. Eff. May 27, 1977;—Am. 1982, Act 333, Imd. Eff. Dec. 16, 1982.

**Popular name:** Act 451

**380.1613 Imposition of summer property tax levy; resolution; applicability; agreement to collect summer levy; request; notice of meeting; negotiation of reasonable collection expenses; collection of summer property tax levy by school district; notice; option to reconsider; applicable law; delivery of certified copy of assessment roll; cost; bonding; duration of agreement; current school tax collection fund; deposits and withdrawals; investment of surplus money; annual report; transfer or appropriation of fund money;**



**using surplus to reduce costs; deferring collection of summer property taxes against certain property; publication and assistance requirements.**

Sec. 1613. (1) By adoption of a resolution of its board before February 1, 1983, or before January 1 in any year thereafter, a school district or intermediate school district may determine to impose a summer property tax levy, which resolution by its terms may be applicable until revoked by the board of the school district or intermediate school district or for levies in any year specified therein. For each year such a resolution applies the school district or intermediate school district that has adopted the resolution shall request, before February 1, 1983 or before January 1 in any year thereafter, each city and township in which it is located to agree to collect the summer levy in that year of either the total or 1/2, as specified in the resolution, of the school property taxes. Notice of the meeting of the respective school district board or intermediate school district board at which this resolution will be offered for adoption shall be published by the district, not less than 6 days before holding the meeting, in a newspaper of general circulation in the school district or intermediate school district. This notice shall specify the time, date, and place of the public meeting, shall be not less than 8 vertical inches and 4 horizontal inches, shall be in not less than 12-point type, shall be preceded by a headline in not less than 18-point type stating "Notice of a public meeting to institute a summer property tax levy", shall contain a concise statement of the contents and purpose of the proposed resolution, and shall not be placed in that portion of the newspaper reserved for legal notices and classified advertisements. Upon receipt of the request, the governing body of the city or township shall negotiate the reasonable expenses for collection of the school district's or intermediate school district's summer property tax levy that the city or township may bill under section 1611 or 1612. If a city or township and the school district or intermediate school district reach an agreement within 30 days of receipt of the district's request for the collection of the district's summer property tax levy, including an agreement to the amount of reasonable expenses that the city or township may bill under section 1611 or 1612, section 1611 shall govern the other terms of a city's agreement and section 1612 shall govern the other terms of a township's agreement.

(2) If a city or township and the school district or intermediate school district fail to reach an agreement pursuant to subsection (1) for the collection of the summer property tax levy of a school district or intermediate school district subject to subsection (3), the school district or intermediate school district then may negotiate, until April 1, a proposed agreement with the county treasurer to collect its summer property tax levy against property located in that city or township. If a proposed agreement with the county treasurer has not been reached by April 1, the school district or intermediate school district may determine to serve as the property tax collecting unit and collect its own summer property tax levy against property in that city or township.

(3) If, pursuant to subsection (2), the school district or intermediate school district has determined to collect its own summer property tax levy or has reached a proposed agreement with a county treasurer on the collection of its summer property tax levy against property located in a city or township with which an agreement to collect this levy could not be made pursuant to subsection (1), the school district shall notify by April 15 that city or township of the terms of the statement required by subsection (4)(b) and the city or township shall have 15 days in which to exercise an option to collect the school district's or intermediate school district's summer property tax levy pursuant to the terms of section 1611 or 1612.

(4) Collection of all or part of a school district's or intermediate school district's property tax levy by a county treasurer or by the school district or intermediate school district shall comply with all of the following:

(a) Collection shall be either 1/2 or the total of the property tax levy against the properties, as specified for that year in the resolution of the district.

(b) The actual cost of the collection which the school district or intermediate school district has agreed to incur itself or to pay the county treasurer that is in addition to any fees imposed pursuant to subdivision (g), and the aggregate amount of costs of collection the district has agreed to incur or the county treasurer may receive from district payments and from fees and charges imposed pursuant to subdivision (g) shall be stated in writing and reported to the state treasurer.

(c) Before June 30 the county treasurer or, if the district is collecting its own summer property tax levy, the treasurer of the school district or intermediate school district shall spread the taxes being collected in terms of millages on the assessment roll, assess the amount of tax levied in proportion to the state equalized valuation, and prepare a tax roll which commands the appropriate treasurer to collect on July 1 the taxes indicated as due on the tax roll.

(d) Taxes authorized to be collected shall become a lien against the property on which assessed, and due from the owner of that property, on July 1.

(e) Taxes shall be collected on or before September 14 and all taxes and interest imposed pursuant to subdivision (f) unpaid before March 1 shall be returned as delinquent on March 1. Taxes delinquent under this

subdivision shall be collected pursuant to Act No. 206 of the Public Acts of 1893, as amended.

(f) Interest shall be added to taxes collected after September 14 at that rate imposed by section 59 of Act No. 206 of the Public Acts of 1893, being section 211.59 of the Michigan Compiled Laws, on delinquent property tax levies which became a lien in the same year.

(g) All or a portion of fees or charges, or both, authorized under section 44 of Act No. 206 of the Public Acts of 1893, being section 211.44 of the Michigan Compiled Laws, may be imposed on taxes paid before March 1 and shall be retained by the treasurer actually performing the collection of the summer property tax levy of the school district or intermediate school district, regardless of whether all or part of these fees or charges, or both, have been waived by the township or city.

(5) An agreement for the collection of a summer property tax levy of a school district or intermediate school district with a county treasurer shall include a schedule for delivering collections to the school district or intermediate school district.

(6) To the extent applicable and consistent with the requirements of this section, the provisions of Act No. 206 of the Public Acts of 1893, shall apply to proceedings in relation to the assessment, spreading, and collection of taxes pursuant to this section. Additionally, in relation to the assessment, spreading, and collection of taxes pursuant to this section, the county treasurer or, if the district is collecting its own summer property tax levy, the treasurer of the school district or intermediate school district shall have powers and duties similar to those prescribed by Act No. 206 of the Public Acts of 1893, for township supervisors, township clerks, and township treasurers. However, this section shall not be considered to transfer any authority over the assessment of property.

(7) If a county treasurer or the treasurer of a school district or intermediate school district collects the summer property tax levy of the district, the township or city shall deliver by June 1 a certified copy of the assessment roll containing state equalized valuations for each parcel of taxable property in the township or city to the treasurer collecting the summer property tax levy of the school district or intermediate school district. The county treasurer or the treasurer of a school district or intermediate school district receiving this certified copy of the assessment roll shall remit the necessary cost incident to the reproduction of the assessment roll to the township or city.

(8) A county treasurer or treasurer of a school district or intermediate school district collecting taxes pursuant to this section shall be bonded for tax collection in the same amount and in the same manner as a township treasurer would be for undertaking the duties prescribed by this section.

(9) An agreement for the collection of a summer property tax levy between a school district or intermediate school district and a county may cover summer collections for 2 years. If an agreement covers summer collections for 2 years, the resolution and request required by subsection (1), the notice required by subsection (2), and the option to reconsider provided by subsection (3) shall not apply for summer collections in the second year.

(10) If collections are made pursuant to this section by a county treasurer or by the treasurer of a school district or intermediate school district, all payments from a school district or intermediate school district for collecting its summer property tax levy and all revenues generated from collection fees shall be deposited, when received or collected, in a current school tax collection fund, which fund shall be used by the county treasurer or treasurer of the school district or intermediate school district to pay for the cost of collecting the district's summer property tax levy. The current school tax collection fund shall be segregated from all other funds and once the current school tax collection fund has been established money shall not be withdrawn except upon an order, check, or draft of the collecting treasurer for the purpose of paying 1 or more of the following costs:

(a) The cost of special deputy treasurers and equipment directly involved in the collection of current property taxes.

(b) The cost of all services determined necessary by the collecting treasurer to collect the summer property tax levy of the school district or intermediate school district.

(c) The contract payments to any person, firm, or corporation employed by the collecting treasurer to assist in the collection of the current property taxes.

(11) All surplus money in a current school tax collection fund shall be invested by the collecting treasurer in any investment authorized by Act No. 20 of the Public Acts of 1943, being sections 129.91 to 129.93 of the Michigan Compiled Laws. The county treasurer and the treasurer of a school district or intermediate school district shall publish, on March 1 of the year after the treasurer first collects the summer property tax levy of a school district or intermediate school district and each year thereafter, an annual report on the status of the fund for the last year ending December 31. The report shall show the total charges, expenses, and year-end surplus.

(12) Money in the current school tax collection fund shall not be transferred to the general fund of the

county, school district, or intermediate school district or made the subject of appropriation by the county, school district, or intermediate school district. Any surplus in a current school tax collection fund shall be used by the county treasurer, school district treasurer, or intermediate school district treasurer to reduce the following costs for the next summer property tax levy of a school district or intermediate school district that is collected by the county treasurer, school district treasurer, or intermediate school district treasurer:

- (a) The costs of collection, in excess of fees and charges, incurred or paid pursuant to subsection (4)(b).
- (b) The fees and charges imposed pursuant to subsection (4)(g).

(13) A city treasurer, township treasurer, county treasurer, school district treasurer, or intermediate school district treasurer that collects pursuant to this section, section 1611, or section 1612 the summer property tax levy of a school district or intermediate school district against property eligible for a deferral of summer property taxes under section 51 of Act No. 206 of the Public Acts of 1893, being section 211.51 of the Michigan Compiled Laws, and, if not otherwise eligible for deferral thereunder, against property classified as agricultural real property if the gross receipts of the agricultural or horticultural operations in the previous year or the average gross receipts of such operations in the previous 3 years are not less than the household income of the owner in the previous year shall defer the collection of these summer property taxes without penalty or interest until the following February 15 upon a filing by the taxpayer of an intent to defer with the property tax collecting treasurer in the same manner as provided by section 51 of Act No. 206 of the Public Acts of 1893. The treasurer of a city, township, school district, intermediate school district, or county who collects the summer property tax levy of a school district or intermediate school district also shall comply with the publication and assistance requirements of section 51 of Act No. 206 of the Public Acts of 1893, with respect to property eligible for a deferral under this subsection.

**History:** Add. 1982, Act 333, Imd. Eff. Dec. 16, 1982.

**Popular name:** Act 451

### **380.1614 Adoption of resolution to impose summer property tax levy as request of city or township for collection; effectiveness of district action to impose levy upon certain property; location; exception.**

Sec. 1614. (1) Except as provided by subsection (2), the action by a school district or intermediate school district pursuant to section 1613 of adopting a resolution which determines to impose a summer property tax levy shall represent a request of each city and township in which the school district or intermediate school district is located to collect its summer property tax levy, but shall be effective to impose the summer property tax levy only upon property, taxable by the school district or intermediate school district, which is located in either of the following:

- (a) The city or township that collects the levy.
  - (b) A city or township in which the county, school district, or intermediate school district collects the levy.
- (2) If an intermediate school district adopts a resolution pursuant to section 1613 which determines to impose a summer property tax levy, that intermediate school district may restrict the areas in which the levy is imposed and collected to those areas in which a school district or city is concurrently imposing a summer property tax levy.

**History:** Add. 1983, Act 110, Imd. Eff. July 6, 1983.

**Popular name:** Act 451

### **380.1615 Summer property tax levy; compliance presumed; imposition of interest.**

Sec. 1615. For the 1983 tax year only, a summer property tax levy of a school district or intermediate school district collected by a village or township shall be presumed to be in compliance with sections 1612, 1613, and 1614. Interest shall not be imposed on a summer property tax levy of a school district or intermediate school district collected by a village before March 1, 1984 for the 1983 tax year.

**History:** Add. 1984, Act 50, Imd. Eff. Apr. 12, 1984.

**Popular name:** Act 451

## **PART 27 CONDEMNATION**

### **380.1621 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed section pertained to determination by jury of just compensation for real estate.

**Popular name:** Act 451

### **380.1621a Exercise of eminent domain by school district or intermediate school district.**

Sec. 1621a. A school district or intermediate school district has the power of eminent domain for acquiring title in fee or interest in sites for new schools, agricultural sites, athletic fields, parks, playgrounds, or other school facilities, or for the improvement or expansion of existing school facilities, and shall exercise that power according to the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws.

**History:** Add. 1995, Act 289, Eff. July 1, 1996.

**Popular name:** Act 451

### **380.1622-380.1634 Repealed. 1995, Act 289, Eff. July 1, 1996.**

**Compiler's note:** The repealed sections pertained to acquisition of real estate.

**Popular name:** Act 451

## **PART 28**

### **ACTIONS AND JUDGMENTS AGAINST SCHOOL DISTRICTS**

#### **380.1641 Service of process.**

Sec. 1641. Service of process in an action or proceeding against a school district or an intermediate school district may be made upon the president, secretary, or treasurer of the board of the school district or the intermediate school board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

#### **380.1642 Judgment against school district; collection.**

Sec. 1642. Execution shall not issue on a judgment against a school district or an intermediate school district, and an action shall not be brought to enforce a judgment. The judgment shall be collected in the manner prescribed in this part.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

#### **380.1643 Final judgment against school district; certification.**

Sec. 1643. (1) If a final judgment is obtained against a school district or an intermediate school district and it is not removed to another court, the treasurer of the district or intermediate school district shall certify to the assessing officer of the township or municipality in which the district or intermediate school district is located and to the secretary of the district or intermediate school district the date and amount of the judgment, with the name of the person in whose favor the judgment was rendered. If the judgment is removed to another court the treasurer shall certify the judgment immediately after the final determination thereof against the school district or intermediate school district.

(2) If the treasurer fails to certify the judgment as required in subsection (1), the party obtaining the judgment or the party's executor, administrator, or assignee may file with the assessing officer of the proper city or township the certificate of the clerk of the court rendering the judgment, showing the facts which should have been certified by the treasurer.

(3) If the school district or intermediate school district against which a judgment is rendered is situated in 2 or more townships or municipalities, the certificate required in subsection (2) shall be delivered to the assessing officer of each township or municipality in which the district is situated.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

#### **380.1644 Assessing amount of judgment against property; interest; collection and return.**

Sec. 1644. The assessing officer receiving a certificate of a judgment shall proceed to assess the amount thereof with interest from the date of the judgment to the time when the warrant for its collection will expire upon the taxable property in the school district or intermediate school district, placing the amount on the assessment roll in the column for school taxes. The judgment shall be collected and returned in the same manner as other taxes of the district or intermediate school district.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451